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FOUR PAPERS IN CANDIDATE AT THE M.A. EXAMINATION.

IDEALS OF
ANCIENT HINDU POLITICS
AND THE
ARTHAS'ĀSTRA OF KAUTILYA

BY
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WITH A FOREWORD

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To my father

Tirtharūpa

BHIMRAO B. MAIK

with gratitude and love

FOREWORD

A few years ago the University of Bombay decided to institute, in the M. A. curriculum, a degree by thesis as an alternative to the more ordinary degree by examination. The motive of this change was to encourage research and to make students think for themselves

The Karnatak College has already been responsible for much creditable research through the medium of its Sanskrit Literary Association but this essay by Mr. B. B. Naik — recently accepted by the University — is the first thesis submitted from the College. It is an attempt to elucidate the basic political ideas of the Ancient Hindus, and though I cannot unfortunately claim any personal knowledge of the Sanskrit texts examined, I can recognize in it an honest and painstaking attempt to solve a difficult problem.

J. A. C. FARRAN

PREFACE

While reading for the degree of B A., I had to study the Arthas'āstra of Kautilya along with my fellow students¹ by employing modern critical methods under the direction of Prof. V. G. Bhat, M. A (*cantab*). Partly owing to the political genius of its author, and partly to the modern character of the administrative machinery described therein, my curiosity in ancient Indian Politics received an impetus which impelled me to study besides the Arthas'āstra, some more Sanskrit works bearing on the subject in question, like the Mahābhārata, the Gautama Dharmaśūtra, the Manusmṛiti etc. Accidentally, I picked up some books written by orientalscholars on Hindu Polity namely, Prof. Serkar's 'Political Institutions and Theories of the Hindus', Dr. Banarjee's 'Public Administration in Ancient India' Jayaswal's 'Hindu Polity,' etc. But the conclusions arrived at by these scholars in regard to the political ideals and theories of the ancient Hindus, which usually hinted at the existence of the elements of democracy, somehow appeared to be in disagreement with the notions, which I had formed after reading the books mentioned above. To ascertain the correctness of my views I began to study them (especially the Arthas'āstra), with great attention

1 This was while we were working for the 'Studies in the Arthas'āstra of Kautilya' — a publication of the Sanskrit Literary Association, Karnatak College Dharwar, in the year 1929

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but to my surprise and satisfaction the ideas which I originally held concerning ancient Hindu Politics appeared to be both sound and correct. The present essay is a modest attempt at their systematic expression.

In order to equip myself with necessary knowledge for the purpose I studied some works on modern Politics, such as "The Nature of the State" by Willoughby, "Elements of Political Science" by Leacock etc and also went through the Dharmas'āstra literature and the relevant portions of the Mahābhārata. I have not in this connexion, adduced any passages from the Rigveda in this essay as, in that particular age, it is not possible to find any developed theories of the State and its origin.

In the course of trying to find out the basic ideas of the ancient Hindus about the State I came to know that they were based on the foundations of Dharma alone. And this to my mind is a fresh contribution to our understanding of the political philosophy of the Hindus of bygone days.

In the following pages I have set forth my views as follows:—

The chief intention of the essay being an examination of the political ideas of the ancient Hindus in the

light of modern political science I have first of all dealt with a few essential theories of the State prevalent in the West. I have also tried to explain in brief the modern idea of the State. Then I have proceeded at some length to examine the conception of Ancient Hindu Kingship (for that was the only institution of the State with which they were familiar). As a result of its critical examination I found out that the ancient Hindu monarchy was based on the secure foundations of the Dharma — the basic principle of the universe and not on any of the democratic principles. I have accidentally established a similarity between the Dharma and the idea of the State in Europe.

The latter half of the essay I have devoted for the critical examination of the Arthśāstra of Kautilya. I have selected for my study this particular work because I deem it to be the most representative and comprehensive treatise on the political ideas of our forefathers. As an outcome of its critical study I have concluded that what was true of the Dharmaśāstra idea of the State was equally true of the idea of the Arthśāstra and this fact showed to me that Kautilya took the political philosophy of the Dharmaśāstras for granted and treated of the practical administration of the State to cope with the complex requirements of the Mauryan empire that probably was constituted of petty autonomous states.

PREFACE

The whole trend of the essay is to show that the Ancient Indian political philosophy is not based, as some scholars are tempted to believe, on the principles of democracy, but on the wider principle of Dharma

Now I have the very pleasant duty of tendering my grateful thanks to Principal A. O. Farran, M A , I E S. of the Karnatak College, Dharwar, for kindly writing the foreword and also for encouragement and valuable suggestions. I also offer my sincerest thanks to my tutor Prof V. G. Bhat, M A (Cantab) M.R.A.S. under whom I had the privilege and pleasure of working as a post-graduate student, for constant advice and paternal encouragement. But for his able guidance it would have been practically impossible for me to place this book before the public. I also take this opportunity of acknowledging my obligations to Principal G. B. Jathar, M.A , I E S , for having provided me with all sorts of facilities while working for the essay. Lastly, my cordial thanks are due to all my friends, and especially to Mr K. Raneapur, for having prepared the manuscript for the press and also to Mr Y. B Jathar, B A , L.L.B., the obliging proprietor of the Karnatak Printing Works, Dharwar for the very nice get up of the booklet

DHARWAR

B. B NAIK

14th November 1932

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IDEALS OF
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I

THE THEORIES OF THE STATE AND
THE INSTITUTION OF MONARCHY

The Object of the essay—Origin of the State and justification of its authority—The Social Contract theory—Hobbes, Locke and Rousseau—The Divine theory—The Historical theory—Monarchy, the earliest form of the body politic—Nature of Monarchy—Monarchy and Democracy compared—The State as conceived to-day

The essay being primarily an attempt at a study of Ancient Hindu Politics in general and the Arthas'āstra of Kautilya in particular, on modern critical lines, we think it necessary to treat in brief at the very outset those ideas of modern political science which are essential for its proper understanding. Accordingly the first chapter which forms as it were the background of the thesis has been exclusively devoted for the concise pre-

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resentation of the ideas of western political thinkers concerning the state and its origin.

Any inquiry in the field of political science, must be based on clear notions as regards the origin of the State and the justification of its authority. The question of the rationality of the authority of the State is intimately connected with the one of its origin. "Speculation," says Leacock, "as to the beginning of government is not merely a matter of historical curiosity, for it is intimately connected with the more important question of the justification of government—the right of the State to be."

With the dawn of political consciousness, man, who blindly obeyed authority from sheer fear of physical or supernatural force attempted a rational explanation of political power. Crude concepts as to the origin of the State and its authority were followed by more reasonable theories which kept pace with the contemporary political experiments. To the modern analytical eye these speculative theories of the past may appear fallacious, being in the main the outgrowth of the actual political conditions of their age 'explaining the institutions and reflecting the motives and ideals underlying current political thought and thus liable to modification with the changes of time and its political ideals. These various theories although fallacious have exerted great

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State, which enforced by all created mutual rights and duties." In addition to the formation of the body politic, the individuals constituting it had to reach a further agreement among themselves, according to which a government was created and authority concentrated in particular hands.

This is in substance the theory of Social Contract. "It is essentially individualistic, viewing the State as the deliberate creation of man, and the authority of government as resting ultimately on the consent of the governed."

This theory the idea of which is traced even in the writings of Plato and Aristotle¹ attained great prominence during the seventeenth and the eighteenth centuries, lending itself to divergent interpretations at the hands of Hobbes, Locke, and Rousseau. According to Hobbes, the State of Nature being one of war, men by consent transferred their 'Rights' irrevocably to a common authority who was expected to afford them protection but who formed no party to the contract. Locke thought the State of Nature to be one of 'equality and freedom' but ultimately unsatisfactory and inconvenient. He therefore said that men were led to abandon their Natural State and submit to the restraint of the Civil Society. In the contract which they made however, the

1. See Tozer's Introduction to Rousseau's *Social Contract*

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ruler was also a party and hence Locke maintained that the contract was subject to dissolution the moment the monarch failed to attend to his duty. With Rousseau the State of Nature was one of ideal happiness relinquished only because of the growing population and advancing civilization which brought evils in their train and marred the condition of this "idyllic felicity." According to the agreement which men formed the government was viewed as a mere instrument to carry out the orders of the General Will.

From the above it can be easily seen that these philosophers offered their individual expositions of the theory in order to justify the political institutions which each of them affected the first advocating absolute Monarchy, the second upholding 'constitutional or limited Monarchy, and the third pleading for modern Democracy.¹

1 Though the fundamental principles on which the theory is based have been violently criticised, yet, it should be remembered that the *spirit* of the theory is ever there to serve as the corner stone of any state in any age. Cf. "Whenever any form of govt. apart from the merest tyranny exists, reflection on the basis of the state cannot but lead to the notion that it is based on the consent tacit or expressed past or present, of its members" G. D. H. Cole—in his introduction to R's *Social Contract*

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2 The Theory of Divine Right.

Next comes the theory of the divine right of kings. It sprang up in the period of religious strife between the papacy and the new protestant princes and was used first as a weapon of defence by the latter late it became a *defensive weapon of the monarchists*. The theory postulates that the institution of the State—and especially that of monarchy is a deliberate divine creation. That the king is a trustee of the people directly appointed by God as his representative on earth. This theory makes the king responsible to God

3 The Present Political Theory

The edifice of the '*Historical or the Evolutionary theory*' which is being advocated by the best of modern thinkers is erected on the solid foundations of a vast amount of research work in the field of Anthropology.

It views the State not as a deliberate human creation or a Divine gift but as an organism, subject to the ordinary laws of nature. It has according to this theory, gone through a long process of growth or development and is comparable to physical or intellectual capabilities of man. It establishes that '*the State is not an invention, it is a growth, an evolution the result of a gradual process throughout all the known history of man and receding into the remote and unknown past*'. " The

1. Leacock —Elements of Political Science

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theory holds the institution of Patriarchal family to be the primary unit of social organisation. According to it families combined to form a 'gens' or the 'House', groups of 'houses' formed a tribe and finally a community of tribes resolved itself into the State¹. Ultimately the family discipline permeated the entire organisation and hence the earliest distinctive political institution manifested itself everywhere in the form of monarchy².

Kauṭilya being the foremost exponent of the ancient Indian state-craft, it is but natural that his ideas concerning the State should exclusively hinge on the institution of monarchy. Before therefore, embarking upon the discussion of the subject proper it is essential for us to clarify our ideas about monarchy so as to employ them in our examination of the Arthas'āstra.

In this form of government in theory at least, authority is concentrated in a single individual who is called the king. He is the main-spring or repository of the executive, judicial, and legislative powers, and consequently, the administrative officials of the state are expected to carry out his behests. As a corollary to

1 For a detailed description of the evolution of the State from the family, see Wilson's *The State-Chapter I*.

2 It is significant to note in this connection that Aristotle had long anticipated or rather outlined this theory of 'Evolution' in his *Politics*.

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this his indefeasible sovereignty follows the theory of his overlordship with reference to that particular tract of country over which he exercises his sway. In monarchy men retain their possessions for themselves only during the pleasure of the king. Under this form of government, the State is completely identified with the ruler and hence all its activities tend to converge to the single end of promoting his own material prosperity. Furthermore, the will of the monarch reigns supreme over the will of the people, and lastly what is called 'Civil liberty' exists if at all only in a very restricted sense. It may only be said to exist in so far as the individual secures protection against his fellow-subjects. In other words, the institution of monarchy practically recognises no rights of Citizenship.

The division of responsibility in monarchy and democracy can well be illustrated by taking the figure of an Isosceles triangle. At the base we find the responsibility of the executive at its highest whereas as we proceed from the base towards the apex the responsibility gradually diminishes till at the vertex we find it at its minimum. So quite unlike the democratic state the monarchical state is not responsible to the mass of the people. Another point of distinction between the two is about the ultimate location of sovereignty. Whereas in monarchy the king is the final authority over the

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problems of the State in democracy it is the general will of the people alone. Finally, whereas in democracy the government or the administrative machinery derives its authority from the General will in monarchy it derives its authority from the king alone.

Before closing this chapter we are going to state in brief the evolution of the modern idea of the State as we want to utilise it later on for comparing it with its Hindu conception.

Firstly, the State is viewed to-day as a pure secular organisation as distinguished from the Church or the religious institution. 'The State while not considered as immoral is now held to be essentially non moral and its activities and interests viewed as wholly independent of those matters that particularly pertain to the spiritual life of man¹."

This idea of the State has evolved from the theological to the metaphysical and thence to the positive stage. In the theological stage the institution of the State and everything pertaining to it—the law and its administrator—were regarded to have been invested with a halo of divinity. Religious and civic matters were almost identified. This was the universal attitude of the earliest human society towards the State. Especially it persisted long among the nations of the East

1. Willoughby The Nature of the State —P 383

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In the next or the metaphysical stage not God but Nature was postulated to be the proximate cause of the State and its laws. The divine element however, was relegated rather to a subordinate position as God was recognised to be but indirectly related to the creation of the body politic. The Romans, who incorporated the idea of a rational universal law of Nature¹ elaborated by the Stoic philosophers, thought all human laws conformed to it and not to the Divine Law.

With the disappearance of the groundless ideas of Divine and Natural laws the conception of the State as a positive and secular institution came into vogue.

Secondly, the modern State is characterised as a thorough Sovereign Body—entirely independent both externally and internally. With the elimination of the ideas of Divine and Natural Laws the State whose will was so long presumed to have been fettered by either of them naturally realised its unbounded will in the exercise of unqualified authority,—though it continues to this day the delimitation of its power for practical purposes. The factors which have contributed to the development of this idea are the study of Roman Law, the influence of the Christian Church the feudal idea of allegiance the rise of powerful monarches, and the enunciation of new theories in politics.

1. Vide Willoughby — The Nature of the State—PP 98 99.

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Finally there comes the attribute of what is called the 'Personality'¹ of the State which is said to be the most distinguishing feature of the conception of the modern State. This idea having a most recent origin as it is too abstract, has practically no history behind it.

To conclude then, the modern State is regarded as a secular positive body absolutely independent both of its citizens and the co ordinate states, being endowed with a Personality of its own which consists in the unity of political purpose of its citizens

¹ Cf ".... .. Personality is not identical with physical individuality Personality signifies the capacity for united, continuous, reasoning volition" Jellinek—quoted by Willoughby in *The Nature of the State*—P 135.

THE CONCEPTION OF HINDU MONARCHY

The King an embodiment of organised rule to the ancient Hindus—Theories of kingship—The State neither an invention nor a human creation but an outcome of the Divine Will—The Divinity of the King—The duties and responsibilities of the King—Limitations on regal authority—(1) Dharma the Cosmic Law—the concepts as old as the Rigveda—identity of Dharma and the idea of the State in Europe (2), The Instinct of self-preservation The position of the King in ancient India—The Patriarchal Ideal

Right from the Vedic times the ancient Hindus seem to have realised the enormous importance of organised rule embodied in a King. They appear to have thought that *the disciplined life of society was entirely due to its existence*. The Aitareya Brâhmana tells us that in the battle between the Devas and the Asuras the former were defeated, and this defeat, in the opinion of the Devas, was solely due to the fact that they lacked in a King and forth with they elected one from among themselves¹.

1 द्वाऽसुरा वा एषु लोकेषु समयतत तांस्ततोऽसुरा
अजयन् देवाऽनुवत्रराजतया वै नो जयति राजानं करवामहा
इति तथेति 1-14.

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"If the King", Manu observes, "were not to wield the rod of chastisement with great vigilance over those deserving to be chastised, the strong would kill the weak [like the fish in water". [यदि न प्रणयेद्राजा दण्डं दंष्ट्रैश्चतन्द्रित । जले मत्स्यानिवाभक्ष्यन्दुर्वलान्वलवत्तरा ।]¹. The Mahābhārata which holds that it is irreligious (lit. not in accord with the Vedas) to inhabit a Kingless country², denounces the anarchical form of government presumably because of the chaotic condition prevailing therein³, saying "Nothing is more conducive to sin than a kingdom without a ruler"⁴. Almost in the vein of Manu Kautilya also while emphasising the paramount necessity of having a King, remarks — अग्रणीतो हि मात्स्यन्यायमुद्भावयति । वलीयानवलं हि प्रसते दण्डधराभावे⁵। "When Danda is not exercised it gives rise to the Logic of the fish (i. e. anarchy) In the absence of a King wielding the rod of chastisement the strong devours the weak." ("The king", says Kāmandaka " is as important a prop of creatures as the rain itself, nay perhaps more since one can survive the failure of rains but not the absence

1 VII 20

2 नाराजकेषु राष्ट्रेषु वस्तव्यामीत वैदकम् । S'ānti. LXVI. 5.

3. cf. Verses 13-15 *ibid*, and also 10-19 *Ibid*. LXVII.

4 न हि राज्यात्पापतरमस्ति किञ्चिद्राजकात् । S'ānti LXVI.7.

5. Arthasāstra P 9

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of the King¹” Bhāsa echoes the same idea when he compares the helpless plight of a kingless people to that of a herd of cattle that has lost the herdsmen²

As to the origin of Kingship it was popularly traced from God. This theory of the Divine origin of Kingship which was first hinted at in the *Rigveda*³ and also in the dogmatic assertions of the *Brāhmanas*,⁴ was elaborated and placed on comparatively sounder foundations by Manu and the *Mahābhārata*. The theory detailed in Manu substantially coincides with the one that we find in the *Mahābhārata* but nevertheless there is a slight distinction between the two which we shall note later on.

1 पर्जन्य इव भूतानामाधार पृथिवीपतिः ।

विकलेऽपि हि पृथ्व्ये जीव्यते न तु भूपतौ । *Nītisāra* ch. I 13

2 गोपहीना यथा गावो विलय दान्त्वपालिता ।

एवं नृपतिहीना हि विलय यान्ति वै प्रजा ॥ २३ ॥

Pratimā Act III.

3 “The spouse of Purukutsa gave oblations to you, oh Indra—Varuna with homage. Then unto her ye gave King *Trasadasya* the *demigod*, the slayer of the foemen.” —

पुरुकुत्सानी हि वामदाशब्देभिरिन्द्रावहणा नमोभि ।

अथा राजान त्रसदस्युमस्या वृत्रहण ददधुरधदेव ॥

IV 42 9

4 As as to why a *Rājanya* shoots, he the *Rājanya*, is manifestly of *Prajapati* hence while being one he rules over many — ‘*Satapatha Brahmana*’ 1, 5, 14. And also *Cf* *Vajasaneya Samhita* 1 4 2 2, 5 3

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Let us firstly take up the theory of Manu. He says — "When this Kingless world dispersed in terror in all quarters, the Lord created the King for its protection, a being who was composed of the immutable fractions of Indra, the Wind god Yama the Sun god the Fire god, Varuna, the Moon god and the Lord of Wealth.¹" These constituent divine 'Parts' (*Matra*) of the king were interpreted as the symbols of his various functions appropriate to different environments.² The theory, it will be observed, conceives 'The State of Nature' as one of confusion and anarchy quite in the Hobbesian spirit³, and attributes the creation of the monarch to the will of God. Thus Manu appears to have thought that King's rule rested finally not upon an agreement but upon the divine ordination).

A somewhat similar theory is elaborately and fancifully expounded in the *Mahābhārata*. In Chapter 58 of the *S'āntiparvan* King Yudhishtira is introduced as asking Bhīṣma two questions—one about the origin of the title of Rājan and the other about the justification

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1. भराजके द्वि लोकेऽस्मिन्सर्वतो विद्रुते भयात् ।
 रक्षार्थमस्य लोकस्य राजानमसृजत्प्रभु ॥
 इन्द्रानिलयमार्काणामग्रथ वरुणस्य च ।
 चन्द्रवितेशयाधैव मात्रानिर्हृत्य शश्वर्ता ॥ VII 34

2 Of Manu IX 303-311 and also Santi LXVII 40-47

3 See page 4 Chapter I (of this essay)

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of the superiority and mastery of one man subject to the ordinary laws of nature over his fellow beings equally intelligent, efficient, and strong in body and mind. The answer to these queries obviously leads Bhīṣma to recount a story about the creation of the King and the basis of his authority. He begins his discourse by observing " (Originally) there was neither Sovereignty nor Sovereign, neither coercion nor coercive authority, and people used to govern themselves by means of Dharma, the Sacred Law "¹. But this state could not long endure. In a short time, we are told society fell a victim to the ravaging vices of passion, greed, self-indulgence and anger², and its corruption entailed the effacement of the Vedas and defilement of Righteousness or Dharma³. (The above description of the gradual corruption of the idyllic pre statal condition as given by Bhīṣma, it should be noted in passing is very similar to the idea of Rousseau about the State of Nature ⁴) Frightened at this state of affairs the gods

1 नैव राज्यं न राजाऽसीत् न दण्डो न दाण्डिकः ।

धर्मेणैव प्रजा सर्वा रक्षन्ति स्म परस्परम् ॥ १४ ॥

S'anti LXVIII.

2 Ibid Verses 15-20

3 विप्लुते नरलोके भस्मस्ततो ब्रह्म ननाश इ ।

नाशाच्च ब्रह्मणो राजन्धर्मो नाशमथागमत् ॥ २१ ॥ ibid.

4. See Chap I P. 4 (of this essay)

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sought the protection of the Lord Brahmā who created for their sake an exhaustive treatise on Dandaśāstra which dealt with the fourfold ends of life—virtue, wealth, desire and salvation¹. Then they approached the Lord Vishnu and begged of him to select a person who would deserve the highest position among mortals. Thereupon by the power of his will he created Virajas (विरजस्) out of his own lustre—*तेजस विरजस सोऽसृजन्मानस सुतम्* ² ॥

This is in substance the theory of the origin of the State as presented in the Mahābhārata. It is slightly different from Mann in that it pictures the State of Nature as being originally of an idyllic condition. Both of them perfectly agree in ascribing the creation of the State or the king to God for securing common weal. To put it in modern terminology these theorists view the State neither as a voluntary organisation of men nor as an organism evolved out of human instinct and reason but as a thing imposed upon mankind for its general good by some external Agency superior to man. It is "to put in the words of the European monarchists of the Middle Ages—the instrument of a divine purpose."

- 1 ततोऽध्यायसहस्राणां शतं चक्रे स्वयुद्धिजम् ।
यत्र धर्मस्तथैवार्थं कामश्चैव तु वर्णितः ॥ २९ ॥
त्रिवर्गं शतं विख्यातो गण एष स्वयमुवा ।
चतुर्थो माक्ष इत्येव पृथगर्थं पृथग्गुणः ॥ ३० ॥ *ibid*

- 2 *Ibid*, 96

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There was another theory current in those times according to which the institution of Kingship owed its origin partly to human initiative. This view has been mentioned in the Mahābhārata and also in the Arthasāstra of Kautilya which we shall note later on. The following is the gist of the theory :—

Being disgusted with the state of confusion and suspense wherein like the fish in water the strong assailed the weak, people arrived at a mutual understanding (*Samaya*) between themselves. (अराजकाः प्रजा पूर्वं विनेशुरिति न श्रुतम् । परस्परं भक्षयन्तो मत्स्या इव जले कृशान् । समेत्य तास्ततश्चक्रुः समयानिति न श्रुतम् ।)¹ But this condition proved unsatisfactory and hence all of them together, approached the Grand-father (पितामहः) and said unto him "We are perishing, oh Lord, for want of a king Appoint a king over us We shall worship him and he shall protect us". [अराजका विनश्यामो भगवन्नीश्वर दिश । मं पूजयेम संभूय यश्चन प्रतिपालयेत् ।]² The Great God specified Manu as their king whom they greeted with loud cheers. Manu on his part was reluctant to assume the reins of government since he said that to rule over mortals of fraudulent character was indeed the most

1. S'antiparyan LXVI — 17-18.

2. Ibid, 20-21

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difficult task. But the people prevailed upon him to become their king by promising to offer a fixed share of their income¹.

The theory is equally fanciful like the one mentioned above. In its attempt to found the State purely on human efforts it inevitably falls back upon God as if thinking with the characteristic of the Hindu mind that any undertaking would be successful only when supported and sanctified by the Divine will. In attributing to Brahman the appointment of Manu as the king of men, the theory, though indirectly, invests Kingship with a halo of divinity.

The Divinity and consequent unbounded prowess of the king is extolled in unequivocal terms both in the *Manu Samhitā* and the *Mahābhārata*.

"Because the king is created out of the parts of the guardians of the world", (Lit the Lords of gods), Says Manu, "he excels all the creatures in lustre or greatness". Again, according to Manu, in view of his irresistible power and divine splendour, the king should

1 पशुनामथ पञ्चाश धरण्यस्य तथैव च ।

धान्यस्य दशमं भागं दास्याम कोशवर्धनम् ॥

Ibid, 23-24.

2. VII. 5, and also *Cf* स्थापनं चाकरोद्विष्णु स्वयमेव सनातन ।
नातिवर्तिष्यत कश्चिज्जानामिति भारत ॥ Ś'anti LXVIII 135.

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not be molested ' Even an infant monarch should never be defied simply on the score of his being a mortal for, (although a child) he is verily a mighty divinity confined to a human frame¹ The ordinary fire burns a single person who may happen to touch it unawares, whereas the fire of royal wrath consumes not only the offender but his family property and hoards of wealth '² One desirous of prosperity', observes the Mahābhārata should honour the king as if he were Indra for tradition says that in paying homage to the king one worships Indra himself³'. It further asserts that gods and the Lords of men are of equal status⁴. The conception of king's divinity reaches its culmination when the Mahābhārata completely identifies the ruler with God Vishnu saying ' then the divine Vishnu entered the person of the king (i.e. Prithu in this case) and thence forward the Lords of men are worshipped like gods⁵ ''.

1 Cf. The powers that be are ordained of God Whosoever therefore resisteth the power resisteth the ordinance of God ' St Paul — Quoted by Dunning — *Political Theories* — Ancient and Medieval Page 17b

2 Manu VII 8 9 and Cf. also Santi LXVII, Sls 40 & 50

3 इन्द्रमेव प्रणमत यद्राजानिमिति स्मृत ।

ययवेन्द्रस्तथा राजा स पूज्यो भूतमिच्छता ॥

Santi LXVI 4.

4 Santi LXVII 163

5 Ibid LXVIII 186

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But this unique position of the King in the land was counterpoised by the heavy responsibility that fell on his shoulders. He was thought to be responsible for any social evil. ("When a King errs", remarks Bhīṣma, "a great calamity befalls the state with the result that irreligious elements spring forth causing confusion of the castes¹) Nature itself, we are further told, revolts against such a ruler.² The Mahābhārata looks upon the King as the master-architect of the destinies of men. "When a Sovereign commits a blunder the whole world itself is stupified, (for) he alone is the benefactor or the destroyer of all beings.³ Nay, he is the father of circumstances, of time. "All the four' ages of Kṛta, Treta, Dwāpara and Kali "; observes the Mahābhārata, "derive their existence from the king and hence the king himself is

1. क्षत्रियस्य प्रमत्तस्य दोषस्संजायते महान् ।

अधर्मास्तिप्रवर्धन्ते प्रजासकरकारका ॥

S'anti, LXL, 36

2. Cf S'anti LXL 8 . 87 & 8.

3. सर्व एव प्रमुह्यन्त यदा राजा प्रमाद्यति ।

राजैव कर्ता भूताना राजैव च विनाशकः ॥

S'anti LXL 6-9.

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called an age ¹ A king again it is asserted who fails to discharge his duties partakes of sin committed by the people ' That ruler, says the epic who even having received one sixth of the income (of the subjects) does not protect them shares one fourth of their sin ' ² Dangerous is the abuse of Danda the law of punishment Danda if used in all wisdom " Manu remarks, ' pleases the people and if wielded indiscriminately brings about an all round destruction " ³. Or the all powerful sceptre might even annihilate the monarch swerving from the path of his duty ⁴ Bhīṣma having ascribed the birth of the four ages to the proper or improper application of Dandaniti ⁵ observes A king who creates the Kali or the Iron age (thus) committing the foulest sort of sin becomes an eternal resident of Hell a wretch sinking in the sins of his subjects " ⁶ He

¹ कृत त्रेता द्वापरश्च कलिश्च भरतर्षभ ।

राजवृत्तानि सर्वाणि राजैव युगमुच्यते

S'anti Ibid, 6 & also

Cf Manu IX 302 and S'anti LXIX 25.

² Cf S'anti XXIV S1 16 and also Ibid, LXXV 8

³ समीक्ष्य स धृत सम्यक्सर्वा रज्जयात् प्रजा ।

असमीक्ष्य प्रणीतस्तु विनाशयति सर्वत ॥

Manu VII, 19

⁴ Ibid VII 28

⁵ Shanti LXIX S1 24

⁶ वले प्रवर्तनाद्राजा पापमल्लतमश्नुत ।

ततो घसात् दुष्कर्मो नरके शश्वती समा ॥

प्रजाना कल्मषे ममोऽक्षीति चापि विन्दति ।

Ibid 27 28

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was also considered to be economically responsible. This responsibility appears to have been more tangible and direct than the social responsibility. For instance, the Dharmaśāstras enjoined upon the king in unmistakable terms to make good the economic loss suffered by any of his subjects on account of his negligence or carelessness in the proper discharge of his duties. Thus Gautama says, "A King having recovered a property stolen by thieves shall cause it to be received by its legitimate owner, (and in the event of his failure in finding it out), he shall compensate the loss by paying out of his own coffers". [चौरमपजित् यथास्थानं गमयेद्वाजा । कोशद्वा दद्यात् ।].¹

His main duty was to ensure the safety of his subjects. Very great stress was laid on this duty of protection. In the course of his long discourse Bhīṣma in the Mahābhārata points out to his royal interlocutor that in the opinion of the great political thinkers of yore 'Protection' was the cream or essence of regal duties (राजधर्माणो नयनीतम्). He himself emphatically declares that it is the supreme duty of a king.² Manu attributes

1. XL 66-67; Cf also Vishnu II, 66-67

2. Śānti. LXVIII, 8 L. 1-3.

3. एष एव परो धर्मः यद्वाजा रक्षति प्रजाः ।

Ibid LXXI 26 also

Cf. Ibid-11, LXVIII, 84; LXL, 8; and Manu, VII 144

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the creation of the king to the divine purpose of protection¹ The king who neglected to protect his subjects was no king at all Says the Great Epic

किमनहुहा या न वहेत् किं वा धेन्वाऽप्यदुग्धया ।

वन्ध्यया भार्यया कोऽर्थं कोऽर्थो राज्ञाप्यरक्षता² ॥

What is the use of the bull which bears no burden ? What purpose is served by the cow which gives no milk ? Of what avail is the barren wife ? what is to be done with the monarch who fails to protect (the people) ? Besides ensuring the safety of his subjects he had to attend to the following duties (a) Always to seek the welfare of the people³ (b) to establish all his subjects in the observance of their respective duties⁴ (c) to dispense justice with equity⁵ (d) to practice continence⁶ and lastly (e) to please the people⁷

The moral threats which we noted just above were intended to restrain the king from abusing his power which was not in any way restricted by any constitutional means But these threats by themselves could

1. रक्षार्थमस्य सर्वस्य राजानमसृज्यभु । VII 3

2. Santi LXXVIII, 41

3. Cf. Gautama XI 6

4. Ibid 9 and also Cf. Manu VII 35 Vasistha XIX 7

5. Gautama IX 8 Manu VIII 8

6. Gautama XI 4 Manu VII 30-31

7. Santi LXVIII

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hardly serve the purpose for which they were primarily intended. This fact however does not exclude the possibility of the existence of some self-imposed checks. These were the considerations of Dharma and the instinct of self-preservation.

As to the limitation of Dharma:—

The duties of the king were counted as part and parcel of Dharma — and hence it was that the section on Rājadharmā (duties of the king) found its place in the Dharmasāstras—the supreme law which was conceived as the basis of the universal order and believed to have been emanated from the Divine Will.¹ It was considered as the fundamental principle conducive to the solidarity and progress of the universe of which the human society formed a part. (It might be explained as the sum-total of the powers of the universe or more concretely as the will of the Almighty designed to uphold and guide the whole creation). This Divine Law was

1. ब्रह्म वा इदमग्र आसीदेकमेव तच्छ्रेयो रूपमत्यसृजत धर्मं तदेत्यग्रस्य क्षत्रं यदमस्तस्मादधर्मात्परो नास्ति .. :

"In the beginning there was Brahman alone....It put forth out of itself a splendid means of prosperity which was this Dharma (the law); what is Dharma is the Kshatra of Kshatra (i. e. controller of the King who is himself a Kshatriya). There is nothing higher than this Dharma." (Br. U. 1-4-11).

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conceived as the supreme regulative principle of the Cosmic order of which the Laws of nature were only a part

This idea of Dharma can be traced as far back as the Rigveda where it is signified by the word *Rita* (ऋत) which occurs there in numerous places. "In its most general sense", says Griffith while commenting upon the term, "the conception expressed by the word occupied to some extent the place of natural and moral Law, fate, or the will of a Supreme God¹". Nay, *Rita* expressed a more broad and loftier conception. It was declared to be some *benevolent* eternal power pervading and guiding the Cosmic order. Its all-embracing character is thus described by a Vedic seer — "Born of waters, kind truth and mountains, the Holy Law dwells in noblest places amid men in truth" —

वृषद्वरसदतसद्यौमसदग्जा गोत्रा ऋतज्ञा अद्रिज्ञा ऋतं² ॥

The vedic people believed that this infallible principle governed the whole of the universe and made the laws of nature conform to its discipline. "By Law", says an inspired poet while identifying himself with Varuna, the highest God of the Vedic pantheon, "I made to flow the moisture—shedding waters³ and set the heaven

1 The Hymns of the Rigveda Vol I. P. 2.

2 R V IV 40.5

3 Cf Ibid VIII 12.3 where rivers are said to flow by the ordinance of Law, & also Cf I, 124.3 Ibid

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firm in the seat of order. By Law the son of Aditi, Law-observer, has spread abroad the world in three-fold measure"—

अहमपो अपिन्वमुक्षमाणा धारयं दिवं सदन ऋतस्य ।
ऋतेन पुनो अदिते ऋतावोत त्रिधातु प्रथयद्विभूम¹ ॥

In response to the ordinance of Rita the rosy Dawn in their opinion, recurred day by day, the shining heavenly spheres took their regular rounds. Thus it is said of the Dawn—"Born in the heavens, the Dawn hath revealed herself in response to the Holy Law, and comes towards us unveiling her majesty"—

व्युत्पा आवो दिविजा ऋतेना ।
विष्कृत्वाना महिमानमागात्² ॥

It was the Law which laid a path for the Sun to traverse "For the board Sun," reads a Vedic hymn, "was seen a path more widely laid, the path of holy Law hath been maintained with rays."—

अदर्शि गातुरखे वरीयसी ।
पन्था ऋतस्य समयस्त रश्मिभिः³ ॥

Rita was conceived to be the Law working for the good of the universe. It was thought "By Law the

1 R. V. IV. 42. 4.

2 R. V. VII. 75 1.

3. R. V. I. 136 2.

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Ādityas stand secure, and Soma clings to his place in heaven¹” By going along the path of Rita S’arasmā—‘the pointer of Dawn’—was believed to have found out ‘the lost cows of gods,’² or Indra was said to have destroyed Vala, his demonic foe dwelling in the mountains³ But what was this straight or the right path? It was the path of righteousness of truth untrodden by the wicked⁴ Thus this Law of Rita was finally looked upon as the Law of truth or the great Moral Law whereby like the Asa—the Avestan counter part of Rita—the world grows and prospers⁵ Later on Rita was actually identified with Truth for it was thought ‘by Law they came to Truth’⁶, and truth on its part in the days of the Upanishads came to be interpreted as Dharma.⁷

The several duties which the individuals belonging to the four fold division of society were called upon to perform were believed to have been assigned by Dharma to realise its own purpose: i. e. to secure the stability of

1 R V X. 85 1

2 R. V V 45 8

3 R V X 133. 1

4 R V IX 74 6

5 Maxmüller. Hibbert Lectures P 257

6 R, V VII, 56

7 Vide foot note on page 25 of this essay.

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the universal order. The fulfilment of the obligations imposed by Dharma upon every member of the social order was supposed to achieve what the Gita calls "Loka-sangraha"¹ or the solidarity of society, and hence in view of promoting its well-being it was incumbent upon everybody to discharge such duties as fell to his lot. For instance, a person who was destined to be a soldier had to perform his duties as sanctioned and imposed by Dharma, or again a person who was born to be a doctor was necessarily obliged to perform his duties as a doctor. Even so a person who was born to the royal office was inevitably compelled to do his duties as prescribed by Dharma. The infringement of this inexorable Law by any person in the society, whether a prince or a peasant, was supposed to be unavoidably followed by Divine retribution in one form or the other, since it was thought to be working as rigorously as the known law of Nature. Thus it will be seen that the ancient Hindu Polity recognises the abstract Dharma as being over and above the King and the people holding both of them equally responsible for its observance.

It is note-worthy that the idea of Dharma comes in close proximity with the idea of State in Europe to .

1. *Gf.* कर्मणैव हि संसिद्धिमास्थिता जनकादयः ।
लोकसंग्रहमेवापि संपद्यन्कर्तुमर्हसि ॥

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which the rulers and the ruled alike are responsible. The fundamental ideas underlying the Dharma and the State are ultimately the same. This can be shown as follows —

- (1) Dharma in the abstract is an entity which is both different from and above the King and the people and which is based on Universal weal. Similarly the State in the abstract is also an entity which is both different from and above the executive agency of a particular state and its people and which in addition is based on public weal. (Universal weal is concerned with the welfare of all beings, whereas public weal exclusively connotes the good of humanity alone with reference to a territorial unit)
- (11) The Law of Dharma as embodied in the codes of conduct (*Dharmas'āstra*) is supposed to be backed up by the power centred in the Almighty and is conducive to universal weal in the same way the Law of the State as embodied in its constitution is thought of as being backed up by the power or what is technically known as the 'Sovereignty' of the people and is conducive to public weal. These respective Laws are intended to be enforced

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for the preservation and progress of the universe and the people respectively. Thus being a means to an end they are subject to alteration with the changes in the ideas of universal and public weal.

- (iii) Universal weal means what is understood to be such by the best minds whose idealism and prestige secure for them a large following in any particular country at any particular time in the course of its history. In like manner public weal also means in any state what is understood to be such by the best minds whose idealism and prestige secure for them a large following in that particular state at any particular time in the course of its history

With the variation in the values of things the idea of universal weal undergoes a necessary change. So it is natural that its conception also should vary from age to age. In India where all questions of social organisation have always been thought of in terms of universal weal, we find, that in the Vedic age, it was supposed to consist in the worship of personified Nature in its various aspects. That at the time of the Brāhmanas, when the Vedic gods lost all their importance, universal weal was sought in the performance of sacrifices, that in the Upanishadic period the worship and meditation of

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the products of the minds of the best thinkers of that particular age and place, which they want to implant on the minds of the mass of the people. The latter are very easily converted to the ideals of the former since as the Gita says—

यद्यदाचरति श्रेष्ठस्तत्तदेवतरो जनः ।

स यत्प्रमाणं कुरुते लोकस्तदनुवर्तते ॥

(III. 21.)

"Whatsoever the superior man does, that alone is done by others. What he specifies as right, that the people follow". The similarity between the two concepts does not stop here only for with a moment's consideration it will be perceived that the one merges completely into the other : what we call public weal is a part and parcel of universal weal since as has already been observed, the former is concerned with humanity alone, whereas the latter encompasses within its fold the whole of the universe, including, it is needless to add, mankind also. It will be seen, therefore, that though working on different plans, the Indian and European thinkers, have been in reality, seeking to achieve the same noble ideals in their own peculiar ways.

The piety of the sovereign and the veneration in which he held Dharma the sacred Law, often prevented

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him from launching upon activities which were accepted as sinful. It is not difficult to imagine the existence of God fearing kings in ancient India when Dharma held its full sway over the minds of the people. We learn from the Upanishads and the Epics that there were such kings as Janaka As'wapati Râma Yudhisthira etc who tried their utmost to bring down the ideals of Dharma to the practical plain.

The Instinct of Self-preservation —

The physical limitation proceeded from the instinct of self preservation. The king in ancient India lived and moved among the people and hence by virtue of his peculiar situation he could not very much maltreat them which if effected would endanger his very life. Moreover in those days of fierce competition when petty feudatory princes actuated by ambition rivalled with one another for power and extension of their dominions, every king expected at every moment an external attack from his enemy or enemies and against such an invasion the only sure protection or the shield was the good will and loyalty of his subjects which he always strove to procure. The smallness of the state also very easily conduced to maintain the uniformity of public opinion which if flouted by the monarch would entail an universal and speedy excitement resulting in the general outbreak. And hence it was that the voice of the people

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carried some weight with the kings especially in such cases as the installation of the heir apparent. We learn from the Rāmāyana that Rāma was consecrated as the Yuwarāja at the wishes of the people. There we are told, that enamoured of Rāma's princely qualities all the citizens of the state resolved that he should be appointed as the Yuwarāja. With this decision they all waited upon Das'aratha and said —

स राम युवराजानमभिषिचस्व पार्थिव ।

इच्छामो हि महाबाहु रघुवीर महाबलम्¹ ॥

'Consecrate Oh King Rāma as the Yuwarāja for we wish the valiant and the powerful one for that office.' The good old king wondering for a moment at this sudden development joyfully welcomed the proposal and lost no time in passing orders for the preparations of his favourite son's installation ceremony. It is worthy of note that the king was beside himself with joy knowing that the people themselves were interested in having Rāma as their crowned prince.² Quite opposite was said to have been the case with king Pratīpa of Udyoga parwan. The aged monarch yielded to the popular voice though with great reluctance in not having Devapi

¹ Ayodhya Kanda

² अहोऽस्मि परमप्रीत प्रभावधातुलो मम ।

यन्मे राम प्रिय पुत्र यौवराजस्यभिच्छत ॥ *Ibid*

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his eldest and the virtuous son as their Yuvarāja since in the opinion of his people he was unfit to hold the reins of government as he suffered from a skin disease. Sagara also followed the same course. He was compelled to exile Asamanjas his eldest son at the desire of his people who were very much distressed at the devilish hobby of the prince of drowning their children in the river S'arayu (S'ānti-Parvan). Thus it was that abuses of royal power were curbed by these two restrictions¹

In view of these safe guards against despotism the position of kings in ancient India must not have been quite so enviable. Any dutiful ruler of those times must have felt like Chandragupta of the *Mudrārākṣhaśāstra* when he says —

राज्यं हि नाम राजधमानुवृत्तिपरस्य नृपतेर्महदप्रीतिस्थानम् । कुतः ।

परार्थानुष्ठानं रहयति नृप स्वार्थपरता ।

परित्यज्य स्वार्थं नियतमयथार्थो क्षितिपतिः ॥

परार्थश्चेत्स्वार्थादभिमततरो हन्त परवान् ।

परायत्नं प्रीते कथमिव रसं वात्तं पुरुषः² ॥

¹ The state indeed is a great source of anxiety to the

1. *Mudrārākṣhaśāstra* Act III. 4. Cf. *Ibid* Act III. 5 and also

नातिश्रमापनयनाय यथा श्रमाय ।

राज्यं स्वहस्तधृतदण्डमिवातपनम् ॥

Sākuntala Act V. 6

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king who conscientiously applies himself to the duties of his royal office. For, he has to forego his own interests in achieving those of others, as (otherwise), the epithet of the protector of the Earth (क्षितिपति) would certainly turn out bogus, devoid of its proper connotation. If therefore, he prefers the interests of others to his own, alas, (then), he is a slave, and how can one that is a slave of others taste (the fruit of) personal enjoyment? "

Besides, often inspired by the Patriarchal ideal the king in ancient India must have toiled for the realisation of one immediate goal - the welfare of the subjects. This solicitude of the king for the well-being of his own people is brought out in the Rāmāyana in that famous incident of Rāma's abandonment of Sita¹. The subjects on their part must have stood equal to the occasion by offering undivided fealty and submission to their benevolent protectors. No wonder that centuries afterwards, Kālidāsa, the princely poet of India, paid an eloquent tribute to such a grand Kingly ideal in these immortal lines. —

समुत्तनिरभिलाष क्षियते लोकहेतो ।
प्रतिदिनमपवा ते वृत्तिरेवविधेय ॥

1 This lofty sentiment has been very beautifully expressed by the Rama of Bhavabhuti

Of स्नेह दया च सौहृद च यदि वा जानकीमपि ।

आराधनाय लोकस्य मुञ्चतो नास्ति मे ध्यया ॥ U R Act I

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अनुभवति हि मूर्धो पादपस्तीव्रमुष्णं ।
शमयति परितापं छायाया संश्रितानाम् ॥
नियमयसि विमार्गप्रस्थिनात्तदण्डः ।
प्रशमयसि विवादं कल्पसे रक्षणाय ॥
अतनुषु विभवेषु शतयः सन्तु नाम ।
त्वयि तु परिसमाप्तं बन्धुकृत्यं प्रजानाम्^१ ॥

We may venture to suggest in this context that during that long period which immediately succeeds the composition of the Brāhmaṇas and terminates with the invasion of Alexander, the political life of India might have been more or less characterised by stable and undespotic government².

1. Sakuntalam. Act V. Sls 7-8.

2. with the exception of the great Mahabharata war.

III

THE CONCEPTION OF HINDU MONARCHY (*Contd*)

Ancient Hindu monarchy not constitutional or limited - No recognition of Civil Liberty in the modern sense of the term The King not subservient to the will of the people - And hence not their servant - Ancient Indian Kingship a benevolent institution - Its characteristics - Our line of enquiry in the Arthasāstra of Kautilya

In view of the limitations of Dharma and the instinct of self-preservation on royal authority the kings in ancient India had to become restrained in its exercise. This fact tended to make the monarchy of the times a benevolent institution. It could hardly be a limited or constitutional monarchy as scholars like Jayaswal, Banerjee and others are inclined to believe. The former was assuredly divested of the democratic implications of the latter. For in the first place, the ancient Hindu polity never recognised 'Civil Liberty'—one of the most essential requisites of constitutional monarchy and also of democracy - as we understand it today (That is to say it attempted to safe-guard the 'rights' of an individual only against his fellow-beings and not against the highest executive authority of the land, the king himself.) This

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is borne out by the fact that while the ancient political thinkers and law givers of India made full provisions to protect the rights of an individual against the encroachments of another individual, they refrained from making such legal arrangements to safe-guard his rights against the King or the State. Of course in order to prevent the King from violating the Dharma or from erring in the discharge of his duties, the authors of the Dharmaśāstra and the Arthasāstra schools prescribed certain acts of atonement exclusively for the royal person, but these were entirely expiatory penalties and hence religious in their spirit. For instance, Vasistha says :—

कृच्छ्रमदण्ड्यदण्डने पुरोहित । त्रिरात्रं राजा¹॥

' When a sinless person is punished the Purohita shall undergo self-immolation, and the King shall (observe fast) for three days.' Manu lays down that a king should be fined a thousand Kārshāpanas where an ordinary person is fined but one Pana.² } "When the king", observes Kautilya, "punishes an innocent man he shall dedicate to God Varuna, a fine amounting to thirty times the unjust imposition, by throwing it into water and this amount he shall afterwards distribute among Brahmanas".³ Being thus pure expiations these provi-

¹ XIX 42 43

² VIII 336

³ Arthasāstra P. 236. Manu also suggests the same method of distributing the proceeds of such fines. See IX. 244

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sions therefore, cannot be treated as constitutional weapons-calculated to protect the legitimate rights of the subjects against the king. So if at all the ancient Hindu Polity ever took cognisance of 'Civil Liberty', it did so in a very restricted sense and a narrow conception of Civil Liberty is surely, no mark of constitutional monarchy

In the second place, the king was viewed as deriving his authority from Dharma and not from the people. For, according to the theory of origin of Kingship which we examined in the last chapter, the king was thought to have been specially created by the Divine will for the preservation of peace and order in the world of men. In virtue of this unique position which the King enjoyed, his authority was conceived as inviolable and his person as being beyond the control of all human 'regulative agencies, and as such he was looked upon as the symbol of Dharma, or the image of God and hence it was that he was often compared to or identified with the Supreme Being \

This theory of his Divine creation and the belief in his unimpeachable prowess was not a myth, not a figment, but a living reality to the people of ancient India whose minds were swayed by a strong sense of Dharma—that all-pervading Sacred Law. What people

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thought and felt about the institution of Kingship was simply given expression to both by Manu and the author of the S'anti parvan. This to our mind appears to have been the true position of these authors who have been but falsely compared to the European Fathers of the Middle Ages as being the Advocates of absolutism¹.

But though high the royal office was not regardless of responsibility. The failure to discharge his duties enjoined upon him by Dharma was supposed to bring about his total destruction. The king in ancient India

1 Jayaswal seems to think that Manu's theory was his own invention when he says "For this theory the author found no direct support in earlier literature. We do not subscribe to the view of the learned scholar. For this theory is not only found in Manu but it occurs also in the Mahābhārata more or less in the same words (C/ S'anti XIV). But this does not mean that one is the borrower of the other. Probably both of them derived it from some common source for as Dr. Kalidas Nag observes, They appear to have come from that mysterious source of Hindu wisdom — Oral tradition which transmitted a vast collection of floating truth long before the schools and the schoolmen (Diplomatic Theories of the Hindus). And this statement stands confirmed when we find that the conception of the divinity of the King is as old as the Vedas. For as we referred already in the last chapter the germs of the theory appear in the Rigveda, the Atharvaveda (III — 3, III. 4, IV. 22) and also in the Brāhmanas. In the face of this great antiquity of the theory, it is absurd to believe that it was Manu's fabrication to 'preach perfect absolutism'.

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was normally absolute. But when his absolutism was carried to its extremity he fell a victim to the righteous indignation of an oppressed people. This however should not be thought of as having any democratic significance as after the removal of the tyrannical ruler he was merely to be replaced by another who became an absolute monarch like his predecessor. This concerted action of the people against their oppressor was nothing more than a manifest demonstration of that spirit of defiance which is equally innate in man and the creatures of the lower world and as such it could not be called a violent popular gesture born of a political motive. It was the instinct of revolt in men which naturally reacted against the autocratic actions of the tyrant. What we mean here is that the people in ancient India resorted to tyrannicide not actuated by the consciousness that the delinquent ruler infringed on their legitimate rights, but impelled by some unknown force which was believed to operate against the monarch the moment he violated the Dharma. In other words it was this inexorable Dharma which was conceived to bring absolute ruin upon him for having disregarded its dictates. This idea is clearly

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brought out by Manu. While describing the potency of Danda — the visible manifestation of Dharma¹ — he observes :—

दण्डो हि सुमहत्तेजो दुर्धरश्चाकृतात्मभिः ।

धर्माद्विचलित इन्ति नृपमेव सबान्धवम् ॥

'The mighty and majestic Danda, which is difficult for the wicked to wield, smothers the King, swerving from (the path of) Dharma, together with his family". Vena the great tyrant of the Mahābhārata was deposed and killed since he grievously sinned against Dharma. Similar was conceived to have been the case with Nabus'a and Duryodhana. What we want to point out here is that it was Dharma and not the people which was considered to punish an erring monarch. This belief of the people in the existence of some vindictive super-mundane power unmistakably indicates that [Kingship was looked upon as a trust not from the people but from God which fact proves that the King was amenable only to the will of God and not to that of the people]

1. *O/ तस्यार्थे सर्वं भूतानां गोप्तारं धर्ममारमजम् ।*

प्रहतेजोमय दण्डमसृजत्पूर्वमाश्रय ॥ VII 14

And also दण्डं शास्ति प्रजा सर्वो दण्ड एवाभिरक्षति ।

दण्डं सुप्तपु जागर्ति दण्डं धर्मं विदुर्बुधा ॥ Ibid 18.

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The king in ancient India was not responsible to the people because he was never looked upon as their servant. The conception of the king as a slave of the people, was a principle quite unknown to the political thought of ancient India as indologists like Banerjee, Jayaswal, Sarkar and others are inclined to believe.¹ They base their conclusions on such passages as —

1. . यद्भाग्यमृतो राजा रक्षेत्प्रजाम्² ।

2 स्वभागमृत्या दास्यत्ये प्रजानां च नृपः कृतः ।

प्रदद्यात् स्वामिरूपस्तु पालनार्थं हि सर्वदा³ ॥

saying that the taxes were regarded as the 'Wages' of the King for the services rendered to the state. Of course the taxes, in the opinion of the ancient Hindus, formed the 'reward'⁴ or remuneration, and not the 'wages' of the king as is generally believed. But drawing remuneration from the people on the part of the King did not necessarily imply his corresponding responsibility to them. His position was just like a government servant who regularly receives his salary from the

1 Says Dr Banerjee "the conception of the King as the servant of the State was one of the basic principles of political thought in Ancient India" — Public Administration in Ancient India p 73 — Vide PP 174-176 in Prof. Sarkar's "The Political Institutions & Theories of the Hindus"

2. Bandhyana I .0.1

3 Sakraniti — I 188.

4. Narada XVIII 48

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public treasury but is in no way responsible to the officers of the treasury. The king was conceived to have been appointed by God to protect the people and as such was directly responsible to Him for whatever he did. As their guardian, the subjects were ordained to maintain the King by a regular contribution of a fixed share of their income. Says Gautama - राज्ञो बलिदानं तद्रक्षण-धर्मित्वात्¹— "For his duty of protection the king shall be given the Bali taxes". The king was authorised by *Dharma* to exact the taxes from the people, in return for the services of promoting the safety and prosperity of his subjects and so for fulfilling his duty to achieve the solidarity and progress of the Universe. Thus according to the ancient Hindu polity the King was primarily the servant of God and as such was remunerated by his Master who enjoined upon the people to pay their common benefactor a certain share of the produce. So the revenue formed the royal privilege or the right and not the wages as has been generally interpreted. To support their thesis that in ancient India the taxes were regarded as the wages of the king, the following verse from S'ukraniti is invariably quoted by these scholars—

स्वभागमूल्या दास्यत्वे प्रजानां च नृप कृतः ।
 मद्राणां स्वामिरूपस्तु पालनार्थं हि सर्वदा ॥

1. Gautama X. 24 and 28.

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appointed by God, and in the second place, he was not bound by any conditions before he accepted the royal office. Whatever things the people offered to Manu were offered by way of inducement and not by way of conditions. For the theory definitely maintains that he was at first unwilling to agree to the proposal of taking the responsibility of protecting the people on his own shoulders but when he was enticed by valuable presents he at once took charge of the office. So according to the theory, the first king of mankind as specified by God accepted his office unconditionally and that means without any contract which on its part implies that he was in no way bound to the people. He was never considered as their servant firstly because, he was appointed by God to protect them, and secondly because, he was himself a semi divine being and as such was beyond the jurisdiction of man. These are all the implications of the theory. Even this theory therefore does not conceive of the sovereign as a slave of the subjects. In ascribing the appointment of Manu to the Divine will it implicitly assumes that the king is ultimately answerable to God. In this connection we cannot but take note of the *Partijñā* or the 'coronation oath' which was first said to

1. प्रतिष्ठा चाधिरोहस्व मनसा कर्मणा गिरा ।
पालयिष्याम्यहं भौम वदन्न इत्येव चासकृत् ॥
यश्चात्रधर्मो नायुक्तो दण्डनीतम्यपाश्रय ।
तमशङ्कं करिष्यामि स्ववशो न कदाचन ॥

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have been administered to Prithu, the successor of Vena, the oppressive sovereign of the Mahābhārata. (According to Jayaswal the oath is a distinct indication of the existence of the idea of a contract at the base of the Hindu conception of Kingship, since by pronouncing it the king, before ascending the throne, promises his faithfulness 'to the law established' and his subserviency to the will of the people. But if at all the oath can be called a "contract", it is a contract not between the ruler and the ruled but between him and the Dharma. For the king swears his loyalty not to the people but to Dharma when he repeats :—

यथायधर्मो नीत्युक्तो दण्डनीतिव्यपाश्रयः ।

तमशङ्क करिष्यामि स्ववशे न कदाचन ॥

"In conformity with the science of government, I shall, without reservation, observe Dharma as is enunciated here by ethics and shall never be arbitrary". By declaring 'I shall never be arbitrary', he evidently means that he would never act of his own accord without any reference to Dharma. Again, the oath is to be administered to the would-be-king by the representatives of spiritual power. King Prithu of the Mahābhārata was made to take the vow by the gods and sages, in the Rāmāyana it was Vasishtha who administered the oath to Rāma, and in subsequent times, as is evident from history, the same tradition was invariably followed by all the

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kings. The very fact that the vow is administered to the ruler by *spiritual authorities* and not by (the representatives of) *the people*, indicates with pretty certainty that the conditions constituting the oath are primarily proposed by Dharma and consequently it follows that the ruler is ultimately responsible to it only for its observance.

As to Kautilya, he mentions two theories, one the so called 'Contract' theory¹ of the Mahābhārata and the other the Divine theory². But we cannot say with Dr. Banerjee that Kautilya "is a believer in the human creation of the state".

१. मात्स्यन्यायमिभूता प्रजा मनुर्वैवस्वते राजाने चक्रे । यत्प-
पद्भागं पण्यदशभागं हिरण्यं चास्य भागधेयं प्रकल्पयामासुः । तेन
भूता राजानः प्रजानां योगश्रेयवद्वा ।

"Oppressed by anarchy, the people made Vairaswata Manu the r king. They fixed one sixth of the produce and one tenth of merchandise in cash, as his remuneration. With this much as their salary the kings secure the safety and prosperity of the people".

२ इन्द्रयमस्थानमेतत् । राजानः प्रत्यक्षदेवप्रसादाः । तानवमन्य-
मानान्दैवोऽपि दण्डं स्पृशति । तस्माद्राजानो नावमन्तव्याः ।

"This (i. e. Royalty) is the seat of Indra and Yama. Kings are anger and favour incarnate. Even divine punishment descends on those who disregard them. And hence the kings should never be disobeyed.

Arthashastra p 23.

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If it be argued that he is the upholder of this theory it can equally be contended that he believes in the conception of the divine creation of the king. This view looks more plausible, when we remember that Kautilya is the greatest advocate of hereditary monarchy. But to our mind it appears that he neither believes the one nor the other. Being thoroughly a practical politician he exclusively occupies himself with the art of governing the state, and not with the pedantic speculations over its origin. The citation of both these views is nothing more than a typical Kautilyan expediency of winning over the disaffected elements in the kingdom by arguments and counter-arguments advanced through the spies of the king before an assemblage of people. Beyond it the passages in question signify nothing else.*

From the above discussion we arrived at the following conclusions; firstly, that in ancient India, civil liberty was recognised in a very limited sense of the state affording protection to its subjects as against other individuals and secondly that the sovereign was regarded as being ultimately responsible to God. These two main features of the monarchical institution of the times clearly show that the king, in theory at least, exercised unqualified authority and as far as his kingdom was

* The very context in which the theories are cited clearly shows that Kautilya could not have thought seriously as to their validity.

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concerned, there was no single human agency which could question him. But as we saw in the preceding chapter, he abstained from growing absolute, for his power was practically circumscribed by the conventional limitations of Dharma and the instinct of self-preservation. These two often kept him within the bounds of moderation and thus made his rule one of enlightened despotism.

The following were its most outstanding characteristics :—

- (i) The king was the highest executive authority in the state.
- (ii) His duties mainly consisted of taking protective measures.
- (iii) He enjoyed absolute sovereignty and hence provided a very narrow scope for the enjoyment of Civil Liberty.
- (iv) His power however was restricted by two (unconstitutional) limitations of Dharma and the instinct of self preservation.
- (v) In its general nature the ancient Indian Kingship was benevolent.

Now it is admitted on all hands that Kautilya was the foremost exponent of the Ancient Indian State craft. We shall therefore, in the following pages, start an

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enquiry into the Arthas'āstra of Kautilya, só as to determine to what extent, the Kautilyan conception of Kingship either conforms with or differs from the one which we discussed so far

We will carry our critical examination of the Arthas'āstra in the light of the five broad characteristics of the Hindu monarchy which we have mentioned just above.

IV

A CRITICAL EXAMINATION OF THE ARTHAS'ASTRA.

Royalty, the element of vital importance in the constituents of the State — King's relation to Dharma — The training of the prince — Importance of Vinaya or discipline and continence — The Kautilyan king advised to enjoy sensual pleasures with due moderation — The duties of the king which mainly consist of taking disciplinary & protective measures with regard to the people and provide them with every opportunity of realising the three ends of human existence

* Royal sovereignty — King the fountain head of all authority, the various State-functionaries beings merely his deputies created out of his will—All the available natural resources claimed in the name of the king — Civil liberty very narrowly recognised, individuals being protected from the encroachments of his fellow individuals and the govt officials as representing their own selves, and not from that of the royal person — The public of the state of the Arthas'astra not vested with the right of taxation, of enforcing their will either on internal or external affairs of the state, the king being the sole proprietor thereof

The checks—Kautilya s is primarily an economic State—His subordination of Dharma to Artha — Though he believes in the efficacy of Dharma, still as an ardent upholder of the tenets of the Arthas astra School, he thinks Dharma to be of secondary importance — This shows the influence of Dharma on the mind of his king is getting weaker — The king advised to identify his

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interests with the people with a view to secure the stability of his govt — The character of the king the greatest barrier against despotism.

Importance of the King.

A great monarchist that Kautilya is, it is but natural that he should assign to the king the highest position in the state. Along with his predecessors Kautilya believes that the king is the saviour of a disorganised world. "In the absence of the king," he says, "exercising coercive authority, the strong would over power the weak, but while backed up by him the latter would (easily) prevail over the former" —
बलीयानबल हि असते दण्डधराभावे । तेन युक्त प्रभवतीति¹ ।
In his opinion, the presence of the king not only ensures the safety of the weak, but what is more it conduces to the healthy growth of the social order. For, he further observes —

चतुर्वर्णाश्रमो लोको राज्ञा दण्डेन पालितः ।
स्वधर्मकर्माभिरतो वर्तते स्वेषु वर्त्मसु² ॥

"The people with their four orders and stages, when protected by a king administering the law of chastisement, are kept on their proper path, being attentive to their respective duties and professions' Hence it is that

1 Page 9

2 P. 9

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the Swâmin or the sovereign comes first in order of merit in the list of the seven constituent elements of the State — स्वाम्यमात्यजनपददुर्गकोशदण्डमित्राणि प्रकृतयः¹ । This tabular arrangement our author justifies in a later chapter of the Arthas'âstra. There, while controverting the view of Bhâradvāja who maintains that ministerial calamity is relatively more grave than what befalls the king, Kautilya says — मंत्रिपुरोहितादि भृत्यवर्गमध्यक्षप्रचार पुरपद्रव्यव्यसन प्रतीकारमेधन राजैव करोति ।... .. स्वामी च सम्पन्न स्वसंपद्भिः प्रकृतीस्सम्पादयति² । स्वयं च यच्छील-स्तच्छीलाः प्रकृतयो भवन्ति । उत्थाने प्रमादे च तदायत्त्वात्³ । तत्कूटस्थानीयां हि स्वामीति⁴ । "The king alone makes the appointment of the prime minister, the High priest and other officials of the state including several departmental superintendents removes the troubles relating to army and finance, and takes measures conducive to their

1. P. 257.

2. Cf. also

सम्पादयत्यसम्पन्ना प्रकृतीरात्मवानृष ।

विद्वद्वाध्यानुद्वेदाश्च प्रकृतीर्हन्त्यनारमवान् ।

P. 259.

3. Cf.

राजानमुत्तिष्ठमानमनूतिष्ठन्ते भृत्या । प्रमाद्यन्तमनुप्रमाद्यन्ति ।

P. 37.

4. P. 321

growth. Moreover, an accomplished monarch imparts his native excellences to the elements Of whatever character he himself is, of that will be the statal categories, for on him depend (their) activity and inactivity. Therefore the Lord occupies the highest position (in the body politic) ” The designation of royalty as the foremost element in the ingredients of the state does not however, seem to have satisfied Kautilya, the arch monarchist of Ancient India. For he goes a step further and regards it as inevitable a factor in the formation of the state as the territory itself (Cf. राज्या-राज्यमिति प्रकृतिसंक्षेप ¹) and thus implies that it is *de facto* the state. It is no wonder therefore, that in his extreme solicitude for the safety of the monarch he should devote four special chapters instructing the king how to take precautionary measures to shield his person against the secret workings of enemies, the vagaries of the princes, and the intrigues of the harem ²

King and the Dharma.

Kautilya appears to believe with the exponents of the Dharmaśāstra school, that the king, though the lord

1. P. 323

2 The chapters in question are—राजपुनरक्षणम्, अवस्थावरुद्धे-वृत्तिः, निशान्तप्रणिधिः, and आत्मरक्षितकम्.

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of his people, is primarily subservient to Dharma — the abstract moral Law universal and eternal that guides and regulates the relations of men. The main duty that is imposed by Dharma on his royal office is the protection of the people. But it is secured only when the social order is kept unadulterated by obliging the members of the four divisions to perform their respective duties allotted to them by the Supreme Law. If one were to observe one's own duties in life that act would surely lead one to heaven and eternity [स्वधर्मः स्वर्गायानन्त्याय च¹] (this rule, it should be observed, is equally applicable to the king and his subjects). But if the king neglects to perform this duty then the world would go to rack and ruin. Thus Kautilya observes तस्यातिक्रमे लोकस्सकरादुच्छिद्येत¹ when it is violated the society would perish on account of the confusion (of duties)". Therefore according to Kautilya the royal duty or Dharma amounts to the obtainment of the stability of the social order which is tantamount to carrying out of the duty

1 P 8 Cf स्वर्गानन्त्याय धर्मोऽयं सर्वेषां वर्णलिङ्गिनम् ॥

The Nitisāra of Kāmandaka Ch II 33

and also धेयान्स्वधर्मो विगुणः परधर्मात्स्वनुष्ठितात्¹

Gita

2 P 8 Cf also अस्याभावे तु लोकोऽयं संकराग्राशमामुवाच ॥

Nitisāra §I 23.

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imposed by the Supreme Dharma. In this way implicitly Kautilya conceives the king to be equally subject to the laws of Dharma along with his people

Education of the king

To qualify himself for such an office which is the highest in the realm Kautilya would require of the king designate to be endowed with all possible moral and cultural attainments. Hence the author, at the very beginning of his work, is seen taking great pains at chalking out a regular course of training for the prince to undergo.

According to Kautilya the supreme object of the state appears to be the realisation of the threefold end of human existence on the part of its subjects. This can only be gained through the proper exercise of the authority of punishment vested in the king. "Skillful exercise," says Kautilya, 'of the coercive power (danda) endowes the people with virtue wealth and enjoyment' — सुविज्ञातप्रणीतो हि दण्डः प्रजा धर्मायैकानैर्योजयति¹ । But it is discipline (Vinaya) that chastens the harshness of Danda which when subdued or backed up by Vinaya becomes capable of ensuring the safety and prosperity of living beings — विनयमूलो दण्डः प्राणयुता योगक्षेमावह² ।

1 P. 9

2. P. 10

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But discipline on its part is dependent on learning (Vidyā) [तन्मूलत्वान्विनयस्य¹] and hence a king should first of all go through a proper course of education and discipline

In his childhood the prince shall be taught writing and arithmetic. After the *Upanayana* ceremony he shall learn the triple Vedas and the science of Logic under the guidance of well-versed teachers the science of Economics (*Varta*) under different superintendents of government departments and the science of governance under professors and practical politicians (वृत्तप्रयोक्तृभ्यः) When a youth, the prince shall duly get himself married and with a view to train himself more shall always associate himself with the veterans of state craft. But what is most important of all is that he shall practice self control or what is called the restraint of the organs of sense since it is said that self mastery is the means for the (successful) attainment of learning and discipline [विद्याविनयहेतुरिन्द्रियजयः²] Kautilya lays very great stress on this particular aspect of a king's character when he declares -- तद्विरुद्धवृत्तिरवश्येन्द्रियव्यातुरन्तोऽपि राजा सद्यो विनश्यति³ A king having his conduct quite reverse to the one who has restrained his senses and with his

1 P 10

2 P 11

3 P 11

passions uncontrolled even though possessed of a wide Empire (reaching the four quarters—चतुरन्तोऽपि) perishes forthwith " 1

Cultivating the art of self mastery the king in the opinion of *Obhāskya* shall never covet women and wealth pertaining to others. He shall avoid excessive sleep, untruth and association with things harmful. He shall also keep himself away from dealings (व्यवहारा) which involve unrighteousness and calamity. Here it should not be surmised that by emphasising self control Kautilya teaches a life of complete abstinence for the king just after the fashion of Plato his Greek contemporary. According to him material joys have their own place and importance in a man's life. It is the life of excessive indulgence or extreme asceticism that meets with downright condemnation at his hands. He thinks but rightly that a king or a man in general should enjoy earthly happiness without transgressing the bounds of propriety or in other words, without jeopardising the

1 This point has been emphasised by all the law-givers and political thinkers of ancient India. Even Brahaspati the greatest exponent of the Hedonistic school, appears to have recognised the value of continence with reference to the sovereign. According to him it seems to be the essential royal requisite. Thus he says 'आत्मवान् राजा' 1 1

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interests of Dharma and Artha. Thus he observes :—
धर्मार्थाविरोधेन कामं सेवेत । न निस्तुखस्स्यात् । समं वा त्रिवर्गमन्यो-
न्यानुबन्धम् । एको ह्यत्यासेवितो धर्मार्थकामानामात्मानमितरौ च
पीडयति¹ ।

“ A King shall never indulge in sensual enjoyment to the detriment of Dharma and Artha. He shall never be devoid of pleasure. Or he shall equally attend to the triple ends which follow each other in succession. For, if of virtue, wealth and enjoyment, any one is inordinately pursued, it will become injurious to itself and the remaining two ”. Another thing Kautilya wants to impress upon the mind of the king is the importance of exertion. “ It is exertion or industriousness ”, says he, “ which is mainly responsible for bringing in new acquisitions and prosperity to the king ” [कर्मारम्भाणा योगाराधना व्यायामः²]. Hence, the king being the chief mainstay or the vital life of the body-politic, should be always alert and energetic for otherwise according to Kautilya the whole

1. P. 12 Cf.

सेवेत विषयान्काले मुक्त्वा तत्परतां वशी ।

मुखं हि फलमर्थस्य तन्निरोधे दृष्टा धिय ॥ ४९ ॥

धर्मादर्थोऽर्थतः कामः कामास्तुल्यफलादेव ।

आत्मानं हन्ति तौ हृत्वा युक्त्या यो न निषेवते । ५१ ॥

Kamananda, Ch 1.

2. P. 250.

system would become stagnant and poisonous. He says—
 राजानमुत्तिष्ठमानमनूत्तिष्ठन्ते मृत्वा. । प्रमाद्यन्तमनुप्रमाद्यन्ति । कर्मणि
 चास्य भक्षयन्ति । द्विपद्विधातिसंधीयते । तस्मादुत्थानमात्मन कुर्वीत¹ ।

"If a king is industrious his subjects will also be industrious. If he is indolent, they will not only become indolent but will also hamper (Lat eat) his projects and (thus) he will be overpowered by his enemies. Hence he shall be (always) energetic". In a later chapter therefore while enumerating the excellences of a king² Kautilya counts upon 'zeal' (महोत्साहः) and 'alertness'

1. P 37, also Cf

अनुत्थाने ध्रुवो नाश प्राप्तस्यानागतस्य च ।
 प्राप्यते फलमुत्थानालभत चार्यसंपदम् ॥

P 39

2 The following are the chief possessions of a king, which according to Kautilya would enable him to properly perform the duties of the State —

'Noble birth, non fatalistic turn of mind, valour, ability to see through the eyes of aged persons love of virtue and truth, straightforwardness, gratefulness comprehensiveness of outlook enthusiasm, promptitude resoluteness of spirit, love for discipline, sharp intellect, a strong memory and mind, a well built stature, versatility ability to confer rewards and inflict punishments, capability to guard against dangers, dignity, fore-sight, readiness to avail ones'self of opportunities, resourcefulness, freedom from passion, anger, greed, and such other vices, a beaming countenance, and the observance of traditional usages and customs'.

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(अदीर्घसूत्री) as the foremost qualities of a king. Thus having equipped himself with moral and cultural education the king shall discharge the following duties of the State —

- (1) Protection of life and property of the subjects, especially of the weak against the tyranny of the strong. In fact according to Kautilya as according to his predecessors the king is primarily designed to put an end to the 'Māthyanyāya or that condition where the weak are oppressed by the strong [Cf बलीयानबल हि प्रसते दण्डधरमावे । P 9. and also Cf मारस्यन्यायाभिभूता प्रजा मनु वैव स्रत राजान चकिरे । P. 23].
- (ii) To make the people realise the three ends of worldly existence namely, Dharma Artha and Kāma by establishing them in the observance of their respective duties in life. But this is secured only when he wields the law of punishment in a reasonable manner (सुविज्ञात-प्रणीतो हि दण्ड प्रजा धर्मार्थकामैर्योजयति ।, 1. Loyalty to their duties again would lead them to a brighter existence even after death for it is said 'One's own duty leads one to Heaven

and eternity—स्वधर्मस्वर्गायानन्त्याय च. Violation of duty would entail confusion which in its train would bring in the disintegration of society. "Hence" observes Kautilya, "the king should not cause the people to swerve from their duties for one who upholds one's own duty becomes happy here and hereafter —

तस्मात्स्वधर्मं भूतानां राजा न व्यभिचारयेत्
स्वधर्मं संदधानो हि प्रेत्य चेद् न नन्दति¹ ॥

- (iii) To deal out justice in strict conformity to the principles of equity by punishing the offenders and redressing the wrongs done to the innocent. The king is to mete out punishment to the wicked by means of Danda on which, according to Kautilya, depend the course of worldly life—तस्यामायत्तलोकयात्रा² । One ought to be strictly impartial in making a proper use of Danda which so used becomes all-powerful. Says Kautilya —

दण्डो हि केवलो लोक पर चेयं च रक्षति ।

राजा पुत्रे च शत्रा च यथादोष सम द्यत³ ॥

"Danda alone, if wielded by a king with equity and in proportion to the crime committed,

1 P. 8

2 P. 9

3 P. 150

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equally over his son and his enemy is capable of securing this and the next world " So powerful is Dharma or justice It not only serves to sustain the two worlds, but is also instrumental in taking the king to a brighter existence as Kautilya further remarks :

"The observance of the duty of the king which consists in protecting the subjects with justice leads him to heaven" — राज्ञः स्वधर्मस्त्वर्गाय प्रजा धर्मेण रक्षितुः¹ ।

- (iv) To offer relief to the decrepit, old and the indigent Kautilya seems to have regarded the king quite in the manner of the Dharmas'āstras, as the guardian of the helpless and of orphans. And hence it is that he urges upon the king either to feed them or to provide them with work if necessary Thus he says :—बालवृद्ध-व्याधितव्यसन्ननायाध राजा विभृयात् । क्षियमप्रजातां प्रजातायाश्च पुत्रान् ।² "The king shall feed the (parentless) children, the aged, the distressed and the helpless He shall also maintain the forlorn women and the children born of them". Again, it is up to the king to grant concessions

1. P 159

2. P 47.

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to the destitute and the wretched where necessary. (For instance Kautilya directs the state to provide them with a free passage while crossing the rivers, lakes etc,¹ and in another place he positively enjoins upon the king to give precedence to the plaints of the afflicted and the needy along with the privileged classes, excepting such cases as demand urgency and speedy settlement)². Further-more, the king is in duty bound to help such women of some social position as are rendered helpless through adverse circumstances, and thus are compelled to work for their subsistence, by providing them with such work as is suitable to their status and strength³.

1. Cf. ब्राह्मणप्रव्रजितबालवृद्धव्याधितशासनगभिष्यो नावाध्यक्ष-
मुद्राभिस्तरेयुः ॥

P. 137.

2 Cf. उपस्थानगत. कार्यार्थिनामद्वारासंगं कारयेत् ।
..... तस्मादेवताश्रमपापण्डथोत्रियपशुपुण्यस्थानाना बालवृद्ध-
व्याधितव्यसन्ननाथाना स्त्रीणां च क्रमेण कार्याणि पश्येत् । कार्य-
गौरवादाख्यिकवशेन वा ।

P. 39

3 Thus, in the chapter on 'Sutradhyaksha', Kautilya instructs the king to help such women with the work of carding and weaving. Vide p. 114

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- (v) To promote agriculture by supplying the needs of cultivators and rendering them all sort of active assistance.¹
- (vi) To take emergency measures in times of drought and thus to save the people from its harrowing concomitants. According to Kautilya as a precautionary measure to prevent famine the king shall keep in reserve half of the stock of royal food stuff gathered either from the crown lands or the taxes (Cf ततोऽर्धमापदर्थं जान पदाना स्थापयेत् P 95)².

1 Vide the chapter on 'Janapadanivesa' where the king is advised to help the peasants by offering them the remission of taxes and providing them with grain and cattle

2 To alleviate the intensity of famines the king is to act as follows — 'During dearth he may oblige (the people) by bestowing seeds and corns or by providing them with famine-relief work or may either dole out or distribute (the royal food stuffs), or may send them away to another part (of his kingdom?) He may seek the assistance of his allies or emasculate the rich or tap their hoardings. Or he may migrate with all his subjects to another district which has yielded good crops or may take resort either to the sea shore or to the banks of the lakes or rivers. He may introduce a fresh plantation of corns vegetables, roots and fruits in the irrigated areas or may undertake the hunting of deer, beasts wild animals, and the fish

P 208

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Besides these regular duties, the king is called upon to maintain and encourage the S'rotriyas, Brāhmaṇas, and the students in their religious pursuits.

From the views of Kautilya on regal duties as given above, it seems that he primarily looks upon the king as the guardian of his subjects. He appears to conceive of the essence of royal duties as comprising in the protective and disciplinary measures to be taken for the solidarity and progress of the community committed to his care, by offering all possible opportunities to its individuals for the attainment of the three 'Puruṣārthas'.

ROYAL SOVEREIGNTY.

We shall discuss the scope and nature of the powers of the Kautilyan sovereign under the following three headings :—

- (a) King and the functionaries of the state
- (b) State monopoly of forests, mines wine, and salt.
- (c) King and the people.

(a) *King and the functionaries of the state*— The sovereign, according to Kautilya is the embodiment of all authority. The various dignitaries of the state like the ministers, the counsellors, the commander-in-chief etc are but the deputies of the king created and authorised by his will to carry on the administrative activities of

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his kingdom. In the opinion of Kautilya, the king makes their appointment only with a view to facilitate the governance of his state since it is humanly impossible for a single individual however strong and intelligent, to regulate and guide the entire social organisation on proper lines. Thus while inculcating the necessity and desirability of having councillors to subserve royalty Kautilya tersely remarks —

सहायसाध्य राजत्व चक्रमेक न वर्तते ।

कुर्वीत सचिवास्तस्मात्तेषां च श्रुणुयान्मतम् ॥¹

“Sovereignty is practicable (only) with the co operation (of others), for a single wheel by itself cannot revolve. Hence one shall appoint counsellors and listen to their advice”. Here the appointment of these officials is king's voluntary business and thus a matter of pure expediency. Again, while determining the ministerial sphere of action we find Kautilya saying —

प्रत्यक्षपरोक्षानुमेया हि राजवृत्तिः । स्वयं दृष्ट प्रत्यक्षम्, परोपदिष्ट परोक्षम् ।
कर्मसु कृतेनाकृतावेक्षणमनुमेयम् । अयौगपद्यान्तु कर्मणामनेऽस्त्वादेनेकस्य
त्वाच्च देशकालात्ययो मा भूदिति परोक्षममात्यैः कारयोदत्समात्यकर्म² ।

“Royal work is either visible invisible or inferential. What is perceived personally is visible what is specified by others is invisible and what is planned after the

1. P. 13

2. P. 15

accomplishment of some work, is inferential. In view of the fact that works are not found to arise simultaneously, are of diverse nature and pertain to several places, and also in view of the fact that the king may not loose proper time and place (in their accomplishment), he shall allow the ministers to accomplish them in his absence. Such is the nature of the work of ministers " Here also Kautilya thinks that the appointment of the ministers is to be made only with a view to lessen the burden of the king in the discharge of his duties towards the state. In virtue of this peculiar relation with their king the government officers in the Arthasāstra are strictly directed to take the permission of their supreme head, the monarch, in undertaking any new enterprise. Thus, in the chapter on ' *Upayuktaparīkṣā* ' Kautilya specifically instructs the high officers not to do any work without consulting the sovereign. He says ' न चानिवेद्य भर्तुं किञ्चिदारम्भं कुर्युरन्यत्रापत्प्रतीकारेभ्यः ' ¹ " Except on occasions of emergency and defence they (: *e.* the officers) shall not contemplate any project without communicating it to the Lord". Again, though the king is morally obliged to hold deliberations with his counsellors, yet he is in no way legally bound to abide by the decision of the majority. He is free to exercise his own judgment

1. P. 68.

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and discretion In the chapter on 'Mantrādhikāra' Kautilya observes.—

आत्ययिके कार्ये मन्त्रिणो मन्त्रिपरिषदं चाहूय ब्रूयात् ।

तत्र यद्भूयिष्ठा कार्यसिद्धिकरं वा ब्रूयुस्तत्कुर्यात्¹ ।

' In critical moments the king shall summon his ministers individually and collectively and deliberate (with them). He shall either act up to the decision of the majority or to that (of other ministers) which (in the opinion of the king) appears to bring success '.² Here it is evident that according to the Arthas'āstra there is no legal obligation on the king to act according to the mandate of the council. This proves that the " Consultative Body " as it appears in the Arthas'āstra, is subservient to the king and is practically ineffective in checking the irresponsible exercise of sovereign power.

1 P. 29

2. We agree with Bandopadhyaya when he comments on the passage quoted above "the force of the words यद्भूयिष्ठा ब्रूयु is taken away by the other expression कार्यसिद्धिकरं वा and proves that, though morally liable to follow the opinion of the majority, it was left to the king to select the course which was best calculated to bring success "

Kautilya P. 123

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Further-more, the prime minister,¹ the highest dignitary of the state and probably the leader of the Mantrins, along with his colleagues, is no more than a royal servant, selected and appointed by the king and holding his office during 'royal pleasure'. From the Arthas'āstra

1. In the Kautilya the prime-minister is referred to both as a Mantrin and as an Amatya. Cf:

(a) मंत्रिपुरोहितसख अमात्यानुपधाभिश्चोचयेत् । P. 16

(b) ऋत्विगाचार्यमन्त्रिपुरोहितसेनापति युवराज etc. P. 247

(c) मन्त्रिपुरोहितादि भृत्यवर्ग राजैव करोति । P. 322

Amatya - (a) जानपदोऽभिजातः वैराणामकर्तेत्यमात्य-सम्पत् । P. 15

[this passage occurs in the chapter on the 'creation (of the posts) of the Mantrin and the Purohita' where after mentioning the requisites of the Amatya Kautilya enumerates the qualities of the Purohita without making any reference to the Mantrin. This shows that he uses both the terms in the same sense].

(b) राज-यसनमेवममात्यः प्रतिकुर्वीत । P. 254

(c) एवमेवैश्वर्यममात्यः कारयेदिति कौटिल्यः । P. 255,

The synonymous use of these two terms in the Arthashastra to denote the same personage probably shows that at the time of Kautilya the prime minister was the joint head of the Mantrins or what Dr. Banerjee calls "the cabinet", and the Amatyas or the chief executive officers who were in charge of manifold departments of the state. To our mind the last three chapters in the 5th book of the text seem to be exclusively designed by Kautilya for directing the prime-minister in the proper performance of his duties.

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(b) *State monopoly of forests mines wine and salt* -
 The king of the Arthas'astra claims as his own the waste lands forests mines and liquor. From the chapter on The Colonisation of wastelands (*Janapadanivesha*) it is clear that the king exercises his right of ownership as regards the wastelands. Forests which appear to have been common property in the days of the Dharmas'astras are found in the Arthas'astra appropriated to the share of the king. These are under the jurisdiction of royal officers called *Dravyatanapalas*. Not only the raw produce but even wild animals such as deer (*Mriga*) ferocious beasts (*Vyalā*) elephants etc. are claimed as belonging to the king. Valuable games especially the elephants are most jealously guarded by promulgating stringent game laws¹ which bear a close resemblance to those enforced by the Normans in England. Mines in the state which in the opinion of Kautilya are mainly responsible for bringing in new acquisitions² and con-

1 Cf (a) मृगद्रव्यवनापहार शस्त्रा दण्डः ।

(b) हस्तिघातिन इन्त्यु । P 50

(c) विद्वीतक्षेत्रखलवेदमद्रव्यहस्तिवनदीपिकममिनादाहयेत् ।
 P 230

2 Cf आकरप्रभव कोश कोशादण्ड प्रजायते ।

पृथिवी कोशदण्डाम्या प्राप्यत कोशभूषणा ॥ P 85

Wealth has its source in mines and from wealth army is created. It is by means of wealth and army that the earth endowed with riches is acquired.

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solidating the sovereignty of the king are also seized upon as government property. Accordingly the mining operations are carried on under the supervision of a royal officer called the *Akaradhyaksha* and are strictly guarded¹. The Kautilyan king does not confine his attention to these mines which yield precious minerals such as corals, jewels, gold, silver and other useful metals. He also controls and exploits the mines yielding salt and alkalies — the articles of daily consumption. The salt mines are under the direct supervision of a superintendent specially created for that purpose. To add to this there is that now odious 'Salt-act' at work which enjoins the people to pay a certain amount of tax and prescribes the highest punishment to those persons who live on 'unlicensed' salt². Liquor in the Arthaśāstra is also a royal monopoly. Accordingly it is manufactured, sold and distributed through out the state under the supervision of the *Suradhyaksha* or the superintendent of Liquors. Only on festive occasions people are allowed to manufacture wine for a stipulated period and that also on the payment of a definite tax Cf.

1 For instance a person who steals a jewel or any valuable article either from mines or royal manufactories is punished with death Cf. अनिसारकर्मांतेभ्यस्सारस्त्वं वापहरत्त शुद्धवध ।

P 222

2 विल्वणमुत्तम दण्ड दद्यात्, अनिसृष्टोपजीवी च ।
... .. अतोऽन्या लवणक्षारवर्गं शुल्क दद्यात् ॥ P 85

उत्सवसमाजयात्रासु चतुरदः सौरिको देयः । तेष्वनुज्ञाताना
प्रहणान्तं दैवसिकमत्ययं गृह्णीयात् ।

"On occasions of festivals, fairs, and social gatherings permission shall be granted to manufacture wine for four days. He shall take the daily tax from those persons who are allowed to manufacture liquor, until the period is over".

From the above it can be seen that the king of the Kautilyan state exclusively reserves for himself almost all the natural resources of his kingdom.

(c) *King and the people.*

This we shall discuss under the following four headings :—

- (i) Civil Liberty.
- (ii) Right of taxation.
- (iii) Right to enforce the public will.
- (iv) Right of defence and offence

(i) **Civil liberty :—** Here we take the opportunity of explaining this term once for all. Civil liberty or 'Liberty in society', is the right to do as one pleases while encroaching least on the wishes of others. "It includes", as Gettel says, "right to free action and immunity from interference." The State safeguards the

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rights of an individual by protecting him (a) against other individuals and (b) against the government or its executive organ. Against his fellow-individuals the individual is protected by the government, and against the government protection is afforded to him directly by the State. In the former case it is the government which becomes the judge, whereas in the latter that role is assumed by the State itself.

Now as regards the State of the Arthas'āstra, it fully takes cognizance of the first part of civil liberty and as such makes every legal provision to safe guard the life and property of the citizen against the encroachments of his other fellow citizens. This point we shall illustrate by taking a few examples —

PROTECTION OF PERSON

Against defamation (वाक्यादभ्यम्) — सत्याभिध्यास्तुति निन्दासु द्वादशषणोत्तरा दण्डास्तुल्येषु । विशिष्टेषु द्विगुण । दानेष्वर्धं दण्डा । परस्त्रीषु द्विगुण¹ ।

“Indulgence in praise or censure of equals, whether it be true or false shall be punished with a fine ranging over twelve paise. Of superiors with double the fine and of inferiors with half the fine. Of others' wives with double the fine.”

1. P. 193

Against assault — शस्त्रेण प्रहरत उत्तमो दण्डः मदेन हस्तवधः। वधे वधः¹ ।

"When a person injures (another person) by means of a weapon he shall be punished with the highest amercement. If he acts so under intoxication his hands will be cut off. If he murders him he shall be hanged "

Against attempt on life —

विषदायकं पुरुषं स्त्रियं पुरुषघ्नीमपि प्रवेशयेत्² ।

"A man who administers poison (to others), and a woman who murders a man shall (both) be drowned".

PROTECTION OF PROPERTY

- (i) प्रसह्यादाने वास्तुनि स्तेयदण्डः³ । कारणादाने प्रयासमाजीव परिसङ्ख्याय बन्धं दद्यात् । मर्यादापहरणे पूर्वः साहसदण्डः । मर्यादाभेदे चतुर्विंशतिपणो दण्डः³ ।

"Occupation of a building site by force shall be punished as theft. If taken possession of by another on reasonable grounds he shall pay a compensation (to its owner), after considering his bare subsistence (प्रयासमाजीव). Encroachment upon boundaries shall be punished with

1 P. 224.

2 P. 230.

3 P. 169.

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the first amercement. Destruction of boundaries with a fine of twenty four panas".

- (ii) सेतुकूपपुण्यस्थानचैत्यदेवतायतनानि च परभूमौ निवेशयत
... .. मध्यमस्साहसदण्ड¹ ।

"Constructing lakes, wells, holy places, monasteries and temples in a site pertaining to another person, shall be punished with the middle amercement "

- (iii) कन्यादोषमौपशायिकमनाख्याय प्रयच्छत. कन्या क्षणवति
दण्ड² । शुल्कस्त्रीधनप्रतिदानं च । वरयितुर्वा वरदोषमना
ख्याय द्विगुण । शुल्कस्त्रीधननाशश्च³ ।

"A person giving his daughter in marriage without announcing her (guilt of) having an illegal connection with another man, shall be liable to the fine of 96 panas and also shall be made to restore the *S'ulka* and *Stridhana*. A person receiving a girl in marriage without divulging the defects of a bride groom shall have to suffer a fine of double the above and also the forfeiture of *S'ulka* and *Stridhana*

AGAINST THE LIBERTY OF A PERSON

- (i) पुरुषमबन्धनीयं बध्नतो बन्धयतो वा
... .. बालमप्राप्तव्यवहार बध्नतो
बन्धयतो वा सहस्रदण्ड¹ ।

1 P. 171.

2 P. 188

3 P. 199.

"When a person keeps or causes to keep another person in bondage who has no reason to be so treated, or keeps or causes to keep in confinement a boy who has not attained majority, he shall be punished with the fine of 1000 Panas".

- (11) उदरदासवर्जमार्यप्राणमप्राप्तव्यवहारं शूद्रं, विक्रयाधानं नयतस्त्व-
जनस्य द्वादशपणो दण्डः । वैश्यं द्विगुणः । ब्राह्मणं चतुर्गुणं ।
परजनस्य पूर्वमध्यमोत्तमवधा-केतुभोतृणा च¹ ।

"The kinsmen, who bring for sale or mortgage, the life of a S'ūdra who is an Ārya (A free man), and not a born slave, and who is (yet) a minor, shall be fined 12 Panas, of a Vais'ya, 24 Panas, of a Kshatriya 36 Panas, and of a Brāhmaṇa, 48 Panas. In the event of strangers doing so, they shall be punished with the three amercements and capital punishment (respectively). The purchasers and the witnesses (in the bargain) shall also be punished likewise".

Protection against the government officials.

Beside making such legal provisions to safe guard the rights and privileges of a citizen, against the aggression of his fellow-citizen, the state of the Arthas'āstra takes due care to grant him immunity from the oppressions of the bureaucracy. Kautilya specially instructs the

¹ P. 101.

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king to keep a strict watch over the high officials of the state with a view to prevent misbehaviour on their part in the discharge of their duties¹ 'For', he says with a true insight of a philosopher into human nature 'men like horses, when yoked to the office are apt to go astray' — अश्वमधर्माणो हि मनुष्या वियुक्ता कर्मसु विकुर्वते² । He therefore, issues several regulations in order to check or suppress the evil propensities of the officers. These regulations prescribe various sorts of punishments to be meted out to them.

They are prosecuted for the offences committed against the public by promulgating such laws or regulations as we give below —

- (i) यस्तमुदयं द्विगुणमुद्गावयति स जनपदं भक्षयति³ ।
 स चेद्राजार्थमुपनयत्यल्पापराधे वारयितव्यः ।
 महति यथापराधे दण्डयितव्यः⁴ ।

Whoever doubles the revenue consumes the country. If he brings in the same for the sake of the king he shall be warned in case the offence is not serious if it is of a graver character he shall be punished in proportion to the guilt.

¹ कर्मसु चैषा नित्यं परीक्षा कारयेत् नित्तानित्यत्वात् मनुष्याणाम् ।

² P 68

P 68

³ Of यथापराधे नृणां प्राणा क्षायन्ते सर्वदहिनाम् ।

तथा कोशा नरेन्द्राणां क्षीयन्त राष्ट्रकर्मणात् ॥

⁴ P 68 •

Quoted by G. Shastri

(ii) ग्रामिकस्य ग्रामादस्तेनपारदारं निरस्यतश्चतुर्विंशतिपणो दण्डः^१ ।

“ When a village headman drives out of the village a person who is neither a burglar nor an adulterer, he shall be punished with a fine of 24 Pāṇas ”.

(iii) धर्मस्थेद्विवदमानं पुरुषं तर्जयति, भर्त्सयत्यपसारयत्यभि-
ग्रसते वा, पूर्वमस्मै साहसदण्डं कुर्यात् । वाक्पारुष्ये द्विगुणम् ।
पृच्छत्य न पृच्छति, पृष्ट्वा वा विमृजति, शिक्षयति, स्मारयति,
पूर्वं ददाति वेति मध्यमस्मै साहसदण्डं कुर्यात् । देयं देशं न
पृच्छति, अदेयं देशं पृच्छति, कार्यमदेशेनातिवाहयति,
छलेनातिहरति, कालहरणेन श्रान्तमपवाहयति, मार्गापमं
वाक्यमुत्क्रमयति, भतिसहायं साक्षिभ्यो ददाति, कारितानु-
शिष्टं कार्यं पुनरपि गृह्णाति, उत्तमस्मै साहसदण्डं कुर्यात् ।
पुनरपराधे द्विगुण, स्थानाध्यवरोपणं च^२ ।

“ If a judge, threatens or chides, or drives out or (unjustly) silences a litigant, he shall be punished with the first amercement. If he defames the litigant he (i. e. the judge) shall be punished with a fine of double the amount. If he does not question what ought to be questioned or questions what ought not to be questioned, or (even) having questioned passes it over, or instructs, reminds or intimates any litigant beforehand, he shall be

1. P. 172.

2. PP. 224-225.

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liable to the middle amercement. If he does not proceed to make relevant inquiries or proceeds to make irrelevant inquiries, drags off the business unnecessarily, or postpones it with malice, or having spent much of time makes the litigant leave (the court) with disgust, or (purposely) avoids or overlooks a relevant statement (मार्गापन्नं वाक्यं), or lends (personal) assistance to the witnesses, or resumes the case which has already been decided, he shall be punished with the highest amercement. If he repeats the same, he shall be doubly fined and dismissed forthwith ”.

Such are the measures which the government of Kautilya adopts in protecting and maintaining the civil rights of its citizens both against the encroachment of individuals and the administrative officers. The latter are subjected to punishment not as the representatives of the king but as ordinary individuals of the State.

As regards the other part of civil liberty which consists in granting immunity against government and which constitutes civil liberty proper, it is not recognised and hence not maintained by the state of Kautilya. Any action against government is construed as an offence against the king and hence it is not tolerated in the least. Any person, whose interests come into conflict with those of the king is regarded as seditious and as such is either deprived of his most rudimentary

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civil rights¹ or even of his life by promulgating the law of treason which operates with great rigour and whose provisions we give below:—

(i) राजकोशकमंत्रभेदकयोः ... जिह्वामुत्पादयेत्² ।

"Persons crying down the king or divulging the secret of the state shall have their tongue cut off."

(ii) राज्यकामुकमन्तःपुरप्रघर्षकमदव्यभिचोत्साहकं दुर्गराष्ट्रदण्ड-
कोपकं वा शिरोहस्तप्रादीपिकं घातयेत् । ब्राम्हणं तमपः
प्रवेशयेत्³ ।

1. This will be evident from the following verse —

नीचत्वं परदेशं वा प्रस्थितो राजकिल्बिषी ।

प्राणाभिहन्ता पतितस्स्याज. क्लृप्तोऽपि वा पतिः ॥

P. 154

"A wife may divorce her husband, who has degraded himself or has gone abroad, or has become a traitor to the king or is a murderer or has fallen from caste or has lost all his virility."

Even a woman is made to forfeit her right to *Stridhana* and her marital presents.—

Cf. राजद्विष्टातिचारम्यामारमापकमणेन च । स्त्रीघनानीतशुल्का-
नामस्वाम्य जायते द्वियः । P. 157.

2. P. 230. ,

3. P. 220.

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"A person coveting the royal domains, outraging the sanctity of the harem, instigating the wild tribes (against the king) creating disaffection in the army of the metropolis or of the mofussil, shall be killed by burning his head and hands, a Brāhmana (offender) shall be drowned unto death.¹

In prescribing this law, it will be noticed Kautilya often contradicts the maxim that punishment should be always inflicted in proportion to the actual crime committed (पुण्यापराधविशेषेण दण्डविशेष कार्यः १) — a maxim which is enunciated by himself. It is rather inequitable to punish the persons slandering the king with the mutilations of the tongue. The mode of executing persons who are accused of carrying on an undesirable propaganda against the royal person either in his own realm or outside is simply repugnant and as such it seems to outrun in barbarity the actual crime committed. But the prescription of such stringent laws is the direct outcome of Kautilya's abhorrence for sedition. When he once suspects any person to be conspiring against the king he looks upon him as an outlaw only deserving to be put down by any means. In eradicating seditious

1 This law of treason, as Bandopadhyaya points out, bears a very close resemblance to the one promulgated by the Plantagenets in England.

See P. 83 Kautilya

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persons he employs such methods as are entirely dissociated from all standards of morality. To quote but one example.—The prince, according to Kautilya, is to adopt the following device to make away with a powerful traitor :—

दूधमहामात्रपुत्रमात्मसभावितं वा सत्री—“राजपुत्रस्त्वं शत्रुभयादि-
हन्यस्तोऽसि” इत्युपजयेत् । प्रतिपन्नं राजा रहसि पूजयेत्—“प्राप्तयौव-
राज्यकालं स्वा महामात्रभयान्नाभिषिचामि” इति । तं सत्री महामात्र-
वधे योजनयेत् । विक्रान्तं तत्रैव घातयेत् । “पितृघातकोऽय” इति¹ ।

“A spy may whisper into the ear of a seditious minister's son who thinks highly of himself — 'you are the son of the king but are kept here out of fear from the enemies'. When won over, the king may honour him in secret saying 'Though you have attained the proper age I cannot install you as my heir apparent since I apprehend danger from the minister.' Then the spy may instigate him to murder the minister. When he succeeds the former may kill him on the spot on the plea of his being a murderer of his own father.” He maintains the same attitude towards the external enemies of the king. He thinks that any ruler who opposes the conqueror (Vijigishu) in his attempt to extend his dominions is to be regarded as an enemy and to be crushed at all costs². Accordingly he recommends

1. P. 38

2. Kautilya's idea of an external enemy is based on the principle of expediency for, he defines the enemy as —
अरिर्धनयुक्तः सामन्तः शत्रुः । P. 260 [for अरिसप्त see
अराजकीजी etc. on P. 259]

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to his 'political man' the adoption of deceitful and immoral methods for the successful putting down of his foes. Such devices have been abundantly described in the last four books¹ of the Arthas'āstra. The employment of dishonesty, cruelty, violence and many other vices for the destruction of enemies of the State, receives, in the opinion of Kautilya, general approbation. When he specifically admonishes the king that such measures ought to be taken only against traitors and the wicked and not against others (एष दूष्येष्वभार्मिकेषु च वर्तेत । नेतरेषु)², he implicitly thinks that no expedient, however isolated from moral or ethical consideration, can be deemed dishonourable while dealing with the enemy. Hence it is that he entertains no scruples in advising the conqueror to overcome his enemies by using such methods wherein moral judgments are wholly subordinated to the exigencies of "political existence and welfare." This Kautilian philosophy of expediency is awfully frank and in a way straightforward. All his dealings with the enemy proceed from the conviction that he is a veritable viper and as such fit to be annihilated by using unscrupulous machinations. This is the real psychology of the author

1 संपद्वृत्तम्, आदर्शनीयसम्, दुर्गलम्भोपायः, and औपनिषदिकम् ।

2 P. 216 Cf also चातुर्वर्ण्यरक्षार्थमौपनिषदिकमभार्मिकेषु प्रयुजीत ।

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of the Arthas'āstra which has been but grossly misrepresented or ridiculed by great Sanskrit writers like Bāṇa and Daṇḍin that followed him centuries afterwards. To be brief, like Machiavelli, Kauṭilya 'is not immoral but unmoral in his politics'.¹

The State of Kauṭilya does not provide any safeguard against government-encroachment because it is strictly a monarchical state, where, as has been shown in the earlier part of the essay, the king both represents the government and the State. His will is the "general will" and consequently he is absolute in authority over all individuals or associations of individuals within the State. As an absolute sovereign nobody can claim any right against him which ultimately means that he gives his subjects no guarantee against interference on his part. Thus like the Dharmaśāstras, the Arthas'āstra of Kauṭilya does not take cognizance of 'civil liberty' in the real sense of the term.

(ii) *Right of taxation* :—The financial system of the Kauṭilyian government as it appears in the Arthas'āstra, is decidedly of an advanced type. As compared with the earlier tax-system which is found in the Dharmaśāstras, the one of Kauṭilya is heavier and more complex

1. Political Theories — Ancient & Medieval P. 229.

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and as such is the index of an advanced stage of civilization and consequent increase in the duties of State.

In early days the burden of taxation was very light. "Peasants", says Gautama, the earliest known law giver of India, "shall pay to the king a tax of one tenth, one eighth or one sixth (of the produce). Some hold that (a tax of) one fifteenth (shall be paid) on cattle and gold. A duty of one twentieth shall be paid on merchandise and in the case of roots, fruits, flowers medicines, herbs, honey, meat, grass and fire-wood the tax (to be paid) shall be one sixteenth"—

राज्ञो बलिदान वर्षकैर्दशममष्टमं षष्ठं वा । पशुहिरण्ययोरप्येके
पद्याश्चक्राः । विंशतिभाग शुल्कं पण्ये । मूलफलपुष्पौषधमधुतृणे-
न्धनानां षष्ठं^१ ।

In the days of Manu taxation appears to be comparatively burdensome as the rates are appreciably higher and items of taxation numerous. Thus says Manu:—
"Of gold and cattle the king may take one fifteenth, and of grains one eighth, one sixth or one twelfth part (as tax.) He may also take a sixth part of trees, meat, money, clarified butter, perfumes, medicinal herbs, liquids (oil etc.) flowers, roots, fruits, of leaves vegetables, grass skins (of animals), canes, and also of earthen vessels, and of articles made of stones"

1. X 24-27.

2. VII 130 132

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The financial system that is detailed in the Arthas'āstra marks a distinct advance over this simple system of taxation which we find in the Dharmaśāstra literature. We proceed to describe it below.

The following are the chief sources from which the state of Kauṭilya derives its income :— (i) Capital, (ii) countryside, (iii) mines, (iv) public works, (v) forests, and (vi) pastures.

The income which flows forth from the capital to the royal treasury consists of excise duties levied on articles of local production like liquor, oils, cotton-goods etc; taxes on courtezans, artisans, warehouses (*Panya samstha*), and places of pilgrimage (probably this was the duty of the *Devatadhyaksha* mentioned here), and tolls collected on city-gates (*Sulkam*), the revenue from the country consists of land assessments of various descriptions, ferry dues and road cesses. The assets derived from the mines are chiefly the precious metals and their other yields. The receipts of public works are flowers, fruits, and vegetables grown in the state-gardens, and those from forests consist of the sale of the forest-produce (*Dravya*), of elephants, and other animals and the proceeds from forest lands which are leased out to private individuals. The income derived from pastures consists of grazing fees levied on cattle and lastly, that collected from trade-routes is by levies on landroutes

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and water ways. There are other minor heads of taxation & e those levied on loads and beasts of burden by frontier officers and also on the issue of passports. In addition to these regular taxes there are occasional imposts levied on particular occasions also. These doubtless are imposed on the people to meet the growing needs of an imperial state. They are *Senabhaktam* — contributions levied for the subsistence of the army (probably these taxes were levied in war times only) *Utsanga* — this is a tax paid on the occasion of the birth of a prince. Dr. P. Banerjee rightly describes these taxes as 'forced benevolences.' *Parshva* — royalties. *Aupa-yanika* — taxes in the form of presentations to be made to the king.¹

As regards the rates of taxation the land assessment is the traditional one sixth of the produce which in extra ordinary times usually is raised to one fourth or one third (*Of जम्पद महान्तमल्पप्रमाण वा देवमातृक धान्यस्याश तृतीय चतुर्थ वा याचेत*² 1). Besides these there are other kinds of taxes on lands such as *Bali*; *Pindakara Kara* etc but the exact import of these terms is not as yet definitely established. As to the scale of duties on commodities we give the following table —

1 P 94

2 P 243 अदेवमातृक would be a better reading

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1/6th — on fruits, flowers grains, meat and fish¹
1/15th or 1/10th — on linen goods cotton-fabric
mercury metal sandalwood etc.²

1/25th to 1/10th—on clothes cotton medicine
firewood bamboos skins clay pots oils wine, salt etc.³

In connection with merchandise it is to be pointed out that taxes are levied even on their sale and hence the sale of any commodity at the place of its production is strictly prohibited under penalty of law —

जातिभूमिषु च पण्यानामविक्रयः ।

स्वनिभ्यो घातुपण्यादानेषु यद्व्यतस्ययः । etc.⁴

" Articles shall not be sold at the place of their production. A person purchasing any minerals or salable articles at the production centres shall be fined 600 Panas." All the commodities therefore are taken to the market and put for sale in the presence of royal officers who charge due taxes (S'ulkam) thereon.⁵ The tax on all sales is 1/16 if measurable by a cubical standard 1/20 if weighed and 1/10 if counted.⁶ Thus,

1 P 112

2 P 112

3 P 113

4 P 113

5 See pp 109 111.

6 योऽश्वभागो मानव्याज्री । विंशतिभागस्तुलामानम् ।

गण्यपण्यानामेकादशभागः ।

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in its zeal as it were for amassing wealth, the state of Kautilya exhausts every possible source of taxation. "No inconceivable resource," as Prof. S.K. Sarkar, rightly remarks, "has been untapped by the Mauryan empire".

This heavy and complex system of taxation which obtains in the state in question obviously shows that the king never consults his people whether in creating or enhancing the sources of taxation. There is no machinery like a popular assembly of today, through which he could manage to consult the public in shaping his fiscal policy. In fact, according to Kautilya, the people are to pay straight way such taxes as are demanded of them by the king. Those who fail or avoid the proper payment of the imposts levied by the State, are in his opinion, liable to punishments of varying severity. This will be clear from the following instances :—

(1) समाहर्तृपुरुषा ग्रीष्मे कर्षकाणामुद्राप कारयेयुः ।

प्रमादापन्नस्याख्यं द्विगुणमुदाहरन्तो बीजकाले बीजलेह्यं कुर्युः ।

निष्पन्ने हरितपक्कादानं कारयेयुः ।.....

स्वस्यापाहारिणः प्रतिपातोऽष्टगुणः ।

परसस्यापहारिणः पञ्चाशद्गुणः सीताख्यः ।

स्ववर्गस्य बाह्यस्य तु वधः¹ ।

1. P. 243.

"The subordinates of the collector general may force peasants to raise the summer crops. Declaring that any injury to the crops through negligence (on the part of the cultivators) would entail the fine of double the amount (of the total price of the crops), they shall make entries of (the quantity of seeds-बीजलेख्य) sown in the sowing season. When crops are ripe, they (i. e. the royal officers) shall prevent them (the cultivators) from removing the standing crop. Who-soever takes away his own grain shall pay a fine eight times the quantity of grain removed, and whoever steals the corn belonging to another person shall be liable to a fine 50 times the quantity stolen and provided the robber belongs to the same community if he is an outsider he shall be put to death "

(ii) चतुर्थमंशं धान्याना च गृह्णीयु । दन्ताजिनस्या-
र्धम् । अनिसृष्टविक्रीणानस्य पूर्वस्माद्दण्डः¹ ।

"(The officers) shall take one fourth share of grains. They shall also exact one half of ivory and skins of animals and punish with the first amercement those who trade in these commodities without obtaining the required licence from the State "

But this does not mean that Kautilya favours the collection of arbitrary exactions on the part of the king.

1 P 243

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On the other hand, he advises him to prevent his deputies from indulging in the economic tyranny of the people. He says —

यस्समुदयं द्विगुणमुद्गावयति स जनपदं भक्षयति । स चेद्राजार्थ-
मुपनयन्नत्पापराधे वारयितव्यो महति यथापराधं दण्डयितव्यः ।¹

'An officer who collects double the usual amount of revenue eats into the vitality of the people. If he brings in the exactions for the king he may be pardoned provided his offence is slight; if grave he may be fined in proportion to his guilt.' In another place he asks the king to protect the agriculturists from oppressive fines and taxations.² Again he admonishes the sovereign to raise the emergency taxes (*Pranayak*) only once and never twice [सकृदेव न द्विः प्रयोज्यः³]. According to him taxes should be imposed in proportion to the paying ability of the people so that they should not feel their pressure. This principle he enunciates in a very striking manner. He says —

पक्कं पक्कमिवारामात्फलं राज्यादवाप्नुयात् ।

आमच्छेदभयादामं वर्जयेत्कोपकारकम्⁴ ॥

1 P 63

2 दण्डविष्टिकराबाधे etc P 43

3 P 243

4 P 246

'Just as fruits are gathered from a garden whenever they become ripe in the same way revenue shall be collected from the people whenever it becomes ripe. Collection of revenue or of fruits, when unripe shall never be carried on, lest their source may be injured causing immense trouble'. It is significant to note in connection with this verse that it is purely based on the presumption that the right of taxation is solely vested in the king and the king alone.

Thus though the citizens of the Kautilian State have no voice in the formation of rules pertaining to taxation, still the king is expected to save them from being unduly exploited.

(iii) Right to enforce the public will — Being a strong and centralised government, (as is evident from the description in the Arthas'āstra of a complicated and elaborate system of its administration), the Kautilian State never takes cognizance of the right of its citizens of direct or indirect participation in the management of the affairs of the State. All authority issues forth from the king and it is in his name that the whole administration is conducted by an 'all engrossing' bureaucracy. The king and his council (*Mantriparis'at*) which it will be recalled does not in any way represent the public are the final authority in all matters concerning the State. Both the capital and the countryside (*Janapada*) are

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directly controlled by the king and practically no scope is left for the people to exercise any political rights. As to the capital it is under the control of the Nāgaraka or the City Superintendent who in his zeal for Democracy has been wrongly termed as 'Mayor' by Prof. B K Sarker.¹ Under him are four *Sthanikas* or Divisional officers each of whom is in charge of a quarter of the city. Under these officers there are several *Gopas* or Sub divisional officers whose duty it is to look to the affairs of families in groups of ten or twenty or forty which are allotted to them separately. [समाहृतं व्राणको नगर चिन्तयेत् । दशकुलीगोपो विंशतिकुली चत्वारिकुली वा² ।].

The chief duty of the town officials is to see that traders and law abiding citizens are undisturbed in their respective pursuits. They have to provide medical aid to the suffering and keep watch on strangers either coming in or departing from the city. They have to ensure the good sanitary condition of the city and take precautions against the accidents of fire. In addition to these duties they are expected to prevent the commission of crimes on the part of the inhabitants³.

1 P 65 The Political Institutions & the Theories of the Hindus.

2 P 143

3 See pp 142-147

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From the above it will be seen that the administration of the capital town is exclusively manned by the king through his servants.

In this connection we cannot avoid making a few remarks as regards 'The Municipal Board' of Pataliputra, the metropolis of Chandragupta, the account of which has been preserved to us by Megasthenes, the Greek ambassador at his court. The functions of the 'Municipal Board' as detailed by Megasthenes¹ agree in the main with the duties which the Nāgaraka and his subordinates are called upon to discharge.² But curiously enough Kautilya makes no reference whatsoever to the existence of this constitutional body in charge of the affairs of the chief town of the State. It is probable that Megasthenes might have interpreted in the language

1. See 'Megasthenes', Mc Crindle Fragment 34.

2. The chapter on 'Nagarakapranidhi' doubtlessly concerns itself with the administration of the capital of the State, and not with that of other cities existing therein. For, as we learn from the chapter on *Durganivesha*, it is in Durga where the king and his functionaries reside (See P. 55), and what Kautilya refers as Nagara in *Nagarakapranidhi* (*ॐ समाहितुं वत् नगरं चितयेत्* P. 143) is none else than the Durga itself as it is evident from the sentence occurring immediately on the next page (*ॐ एवं दुर्गचतुर्भाग स्थानिकश्चिन्तयेत्.*)

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of his own country the body of town-officials headed by the Nāgaraka as mentioned in the Arthas'āstra, for it is almost impossible to conceive of an elected 'Municipal Board' as governing the capital of the State referred to in the Arthas'āstra

Provincial (Janapada) administration is modelled on the same lines as that of the capital. The *Samaharta* or the Collector general is the head of the province under whom are the four *Sthanikas* each in charge of a quarter of the Janapada. Under these officials there are numerous *Gopas* (the village accountants) in charge of five or ten villages. These latter set up the village boundaries keep the most detailed census of occupations income and expenditure of men and also watch the conduct of the subjects¹

Turning our attention to the village administration we find that at the head of the village there is the *Gramika* or headman appointed no doubt by the State²

1 PP 141 143

2 This inference we base on the penal provision prescribed by Kaṭilya for *Gramika* failing in the proper discharge of his duties (Cf. ग्रामिकस्य ग्रामादस्तेनपारदार निरस्यतश्चतुर्विंशति पणो दण्ड P. 172) Had he been an officer of the village elected by the people there would have been no necessity for the state of subjecting him to penalties whenever he erred in his public duties and thus treating him as an officer for that would have been the concern of the people by whose will he was bound.

He is assisted by a band of village elders or the *Gramavidhah* there being no restriction as to their number. Such is probably the case because the number of members who form the (village) council varies according to the rise and fall in the number of the elderly folk of the village. Every oldman of the village excepting of course such a one with objectionable career and spoilt reputation is as the very term *Gramavidhah* suggests by dint of his ripe age and mature wisdom entitled to take active part in the general administration of his village. This is perhaps the reason why the shrewd author of the *Arthas'astra* refrains from giving any particular number as to the strength of this little autonomous body. It is thus as Prof. Altekar rightly conjectures¹ an informal and non elective² council of the village elders through which the village communities exercise their rights or more appropriately discharge their duties to the State.

The following are the social duties entrusted to the village elders -

- (i) To take charge of estates belonging to minors and the property of gods (बालद्रव्य प्रामद्व्य वर्धयेयुराव्यवहारप्रापणात् । देवद्रव्य च³) - The elders of the village

1. P 18 'History of village communities in Western India

2. P 43 and also Cf अग्रतव्यवहाराणां देयविशुद्ध मातृवन्धुषु प्रमद्व्यु वा स्थापययुव्यवहारप्रापणात् । प्रोपितस्य वा ।

Ib d P 161

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shall protect the property of minors till they attain majority. They shall also preserve the property of the (village) gods "

(ii) To decide boundary-disputes (क्षेत्रविवादं ग्रामान्तग्राम-
वृद्धाः कुर्युः¹) "Disputes concerning the boundary
of fields shall be decided either by the elders of
the neighbourhood or of the village."

(iii) To keep in good repairs temples, holy places, and
other religious sites:— सेतुकूपपुण्यस्थानचैत्यदेवायतनानि
च स्वाम्यभावे ग्रामाः पुण्यशीला वा प्रतिकुर्युः² "In the
absence of their masters, either the elders of the
village or some charitable gentlemen shall repair
the (dilapidated) embankments, wells, holy places,
Chautyas, and the temples".

These are all the public functions carried on by the
village people with the assent of the Imperial State of
the Arthasāstra. The powers retained in the hands of
the villagers, as we have just seen, are mainly those of
trusteeship. They have no executive powers which are

1. P. 169 also Cf. सीमाविवादं ग्रामयोः स्यान्तः प्रामाणी
दशग्रामी वा etc P. 168.

2. P. 171.

exercised by the village head man¹ who is a nominee of the central government.

The nature of the work with which the village elders are entrusted hardly warrant the inference that they enjoy or exercise any 'right' of active participation in the affairs of the state. On the contrary it clearly indicates the fact that the central government 'permits' its villagers to discharge such duties as mentioned above partly out of courtesy to them and partly with a purpose of facilitating its administration. So we may conclude by saying that neither in town nor in villages the public of the Kautilyan state claim for themselves any political right.

(iv) Right over State action (Defence and offence) —

As in internal affairs the citizens of the State with which Kautilya is concerned, do not claim any voice in the management of its external matters such as waging war or concluding peace with the neighbouring states. The king alone is the ultimate authority in determining the exact course of policy to be adopted in accordance with the exigencies of time and place with reference to foreign powers. Of course, in deciding the particular line of

1 He is vested with magisterial powers as he can expel thieves, adulterers and criminals from the village *Cf* ग्रामिकस्य ग्रामादस्तेनपारदार निरस्यत*etc. P. 172

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action, the king, according to Kautilya, has to consult his councillors for, he says, मन्त्रपूर्वां सर्वारम्भा :— 'All administrative measures are (always) preceded by full deliberation (with the council). But these councillors, as we have once said, are no more than royal servants whose continuation in office solely depends on his will.

The king in his dealings with the neighbouring states, is to make use of sixfold expediences in tune with the changing environments. Says Kautilya —

परम्मादीयमानं संदधीत । अभ्युधीयमानो विगृह्णीयात् । न मां परो
नाह परमुपहन्तुं शक्त इत्यासीत् । गुणातिशययुक्तो यायात् ॥ शक्ति
हीनस्सत्रयत् ॥ सहायसाध्ये कार्ये द्वैधीभाव गच्छेत् ॥

"When inferior to his enemy the *Vijigishu* may make peace, when growing in power he may declare war, when he thinks — 'I am not capable of crushing my enemy, nor the enemy is capable of crushing myself, then he may maintain neutrality, if possessed of all excellences he may march against his enemy, if deteriorating in strength he may seek shelter, and if he sees that any work is liable to be realised with the cooperation of others he shall adopt double-dealing'. With the help of these expediences the king of the *Arthasāstra* competes with his rivals for self aggrandisement and consolidation of his power. He enters the political arena with the full

consciousness that he is the sole proprietor of his kingdom. This idea of proprietorship is discernible at every step in his dealings with the neighbouring states. This will be clear from the following examples:—

- (i) यदि वा पश्येत् — आयुर्घायप्रायश्चेणीप्रायो वा मे जनपदः
 शैलवननदीदुर्गैकद्वारारक्षो वा शक्यति पराभियोगं प्रतिद्वन्द्वमिति;
 विपयान्ते दुर्गमविपक्षमपात्रितो वा शक्यामि परकर्माण्युपहन्तु-
 मिति; व्यसनपीडोपहतोत्साहो वा परः संप्राप्तकर्मोपघातकाल-
 इति; विग्रहीतस्यान्यतो वा शक्यामि जनपदमपवाहयितुमिति
 विग्रहे स्थितो वृद्धिमातिष्ठेत् ॥

"If a king thinks :— 'my country is full of soldiers and corporations of fighting men and it possesses such (natural defensive) positions, as mountains, forests, rivers, and forts with only one entrance, and can, therefore, easily repel the attack of my enemy, or, having taken position in an impregnable fortress on (my) frontier, I can destroy the projections of my enemy, or owing to internal troubles and loss of energy, my enemy will early suffer from the destruction of his works; or, when my enemy is attacked by another king, I can induce his subjects to immigrate into my country', then he may augment his own resources by keeping open hostility with such an enemy."

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- (ii) सन्धेयस्य वा दूतं प्रेषयेत् । तेन वा प्रेषितमर्थमानाभ्या सत्कृत्य
ब्रूयात् — “इदं राज्ञः पद्म्यागारमिदं देवीकुमाराणां देवी
कुमारवचनादिदं राज्यमहं च त्वदर्पणं” इति¹ ।

“Or the *Vijigishu* may send his ambassador to his enemy who is likely to accept peace. Or, having received the messenger of the enemy with wealth and due respect he may tell the latter, “Here are the presents for (your) king. This is the gift to your queen and the prince from my queen and the prince, myself and my kingdom are at your (entire) disposal.”

Such instances, which are strewn all over the latter half of the work, clearly show, that, like the feudal chiefs of Europe, the kings of the *Arthas'āstra* look upon their kingdoms as their own private estates. Hence it is that the citizens of the Kautilian State are completely alienated from the enjoyment of any political right either in its internal administration or in its diplomatic relations with other co ordinate powers.

The king of Kautilya exercises proprietary rights over his state because, he is, like the Machivellian prince, primarily a conqueror² or the *vijigishu* whose sole ambition is to establish his political influence. And

1. P. 235.

2. Vide P. 408

CHECKS

Dharma

The State as conceived by Kautilya is predominantly an economic one. This is evident when he introduces a significant modification in the traditional list of the three ends of human existence namely Dharma Artha and Kāma by giving a distinct precedence to Artha over Dharma. Thus he remarks — अर्थो धर्म काम इत्यर्थत्रिवर्गः । तस्य पूर्वं पूर्वं श्रेयाननुसम्प्राप्नुम्¹ ।

‘Wealth righteousness and enjoyment are the triad of worldly existence. Of these it is better to secure that which is mentioned in the order of enumeration. He makes this replacement because in his opinion wealth is the basis of virtue and enjoyment’ — अर्थो धर्मकामहेतुः । This view he expresses in unequivocal terms in the earlier part of the Arthasāstra when he declares — अर्थ एव प्रधानः । अर्थमूला हि धर्मकामाविति² ।

It is the wealth and wealth alone which is of supreme importance since virtue and enjoyment depend on wealth for their existence. This trend of Kautilyan thought presents a direct contrast to that of the Dharmasāstra thinkers who regard Dharma to be the basis of all³.

1 P 361

2 P 12

3 cf धर्ममूल सदैवार्थं कामोऽर्थफलमुच्यते ।

सकल्पमूलास्ते सर्वे सकल्पो विपयात्मकः ॥

Sānti parvan Ch. 123.

THE ARTHASĀSTRA OF KAUTILYA

But this apparent subordination of Dharma to Artha as effected by Kautilya does not at all mean that he belongs to the Chārvāka school of philosophy which denounces religion, scoffs at laws and morals and hates all discipline." For, unlike the Bārhaspatyas, the exponents of the hedonistic school who ridicule the trayi¹ and describe it as a mere disguise for men of the world (संवरणमात्रं हि त्रयी लोकयानविद इति । P. 6), he accepts it as one of the lores and recognises with great reverence the value of their teaching as being helpful for the maintenance of the social order. (Cf एष त्रयीधर्मधनुर्गो वर्णनामाथमाणा च स्वधर्मस्थापनादौपकारिकः । P 7)

Besides, like the authors of the Dharmasāstras he upholds the system of four divisions and four orders and repeatedly enjoins upon the king to keep them intact². He also regards the vedic religion with due respect and this is evident when he allows some gratuitous gifts to the priest hood (Cf. ऋत्विगाचार्यपुरोहितश्रोत्रियेभ्यो ब्रह्मदेयान्यदण्डकराणि etc. p 46) and grants immunity from toll duties to all religious and sacrificial requisites (Cf वेवाहिकमन्वायनमौपयानिक यज्ञकृत्य" etc p 111)*. But what

1 Cf त्रयो वदस्य कर्तारो भण्डधूर्तनिशाचरा ।

जर्कगीतुर्कगीत्यादि पाण्डितानां नच स्मृतम् ॥

(S Sangraha)

2 Cf P 9, P 150, P 40-

* Many of the above quotations I owe to Mr Mugali's paper on the 'Three main aspects of the Arthasāstra'

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is most significant of all is that he believes in the efficacy of Dharma or righteousness. In his opinion, one of the excellences of the treasury (*Kos'asampat*) of the State is that it should be hoarded by 'just means' (धर्माधिगत P. 258) Again, according to Kautilya, a king who attacks the rear of another king who has marched against a virtuous king gains advantage, "for", says he, "one who persecutes the virtuous king incurs the displeasure of his own people and also those of others.¹" But the Brāhmana in Kautilya rises to his highest when he refutes the argument of his worldly minded preceptor who holds that treaty based on security (*Pratibhukhu*) or hostage (*Pratigraho va*) is permanent, whereas, that which is based on truth or oath is quite the reverse. To this Kautilya replies. "it is not so. Peace concluded on the basis of honesty or oath is immutable both in this and the next world. But what is made on a hostage or security is lasting in this world only because it depends upon the power of the person, who stands as a security or a hostage" —नेति कौटिल्यः । सत्यं वा शपथो वा परनेह च स्यावरस्सन्धिः । इदमर्थ एव प्रतिभूः प्रतिग्रहो वा बलक्षेपः² ।

1 P 302.

2 P 313. For the interpretation, of this passage see p 70 of 'The Studies in the Arthashastra' — Published by the Sanskrit Literary Association of the Karnatak College, Dharwar, in 1929

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This passage clearly shows that he believes in the existence of a brighter world and a higher law. Such extracts bear eloquent testimony to the fact that unlike the hedonists, the author of the Arthas'āstra fully recognises the excellence of moral law or righteousness.

But though he believes in Dharma he is not so much concerned with it. As an ardent upholder of the tenets of the Arthas'āstra, he wants to impress upon the king the supreme importance of Artha in this world. "All undertakings," he says, "depend upon finance Hence one shall first of all see to the treasury' (P. 65.) This attitude of Kautilya towards Dharma is indicative of the fact that at his time the institution of the State in India was slowly emerging from the theological stage

Identity of Interests.

Artha being thus the one determinable factor in the life of the Kautilyan king it is in the fitness of things that all his efforts should be directed towards its acquisition mainly by making ever fresh conquests. But the only thing conducive to the fruitful adoption of the policy of conquest and extension is the stability of his own government which on its part solely depends upon the goodwill and loyalty of his subjects. This, however, is only secured when the sovereign identifies his own interests with those of his people and hence it is that

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Kautilya shrewd that he is expressly advises him to look upon the interests of his subjects as his own in this famous couplet —

प्रजामुखे सुख राज प्रजाना चाहितेऽहितम् ।
नात्मप्रिय हित राज प्रजानां तु प्रिय हितम्¹ ॥

"The happiness of his people is the happiness of the king, their sorrow is his sorrow. It is the welfare of his subjects and not of his own that will secure his happiness" Especially in regard to the newly conquered people the adoption of this policy is the strongest shield against despotism. It is therefore that under such circumstances Kautilya instructs the king to be one with the conquered people by respecting their established institutions, customs, dress and language, and by showing his faith in their religious pursuits. (*Cf.* तस्मात्समानशील-वेपभाषाचारतामुपगच्छेत् । देशदेवतसमाजात्सर्वविहारेषु भाक्तिमनु-वर्तेत²) The foremost thing for the monarch intending to secure the allegiance of his people to do is not to give

1 P 32

2 P, 402 It is needless to remind that this is nothing but one of the typical Kautilyan expediencies. It is noteworthy that Machiavelli gives almost the same advice to his prince for the preservation of Dominion and stability of his government

See Dunning pp 215 217,
— Political Theories Vol I.

rise to such factors as would tend to their degeneration, greed, and disaffection¹.

The second and perhaps the most important factor that would contribute to the successful maintenance of his home administration and also to his personal safety is the character of the king himself. A monarch who is a rake or a libertine often expedites his own destruction. The loose character of the prince is surely detrimental to the preservation of his kingdom.² And hence in the opinion of Kautilya, a king even though having an only son, had better not enthrone him, if he is of objectionable character (Cf न चैकं पुत्रमविनीतं राज्ये स्थापयेत्³ !)

When the question arises as to whether the *Vijigishu* should march against an assailable enemy of righteous character (*Ayayavritti*) under great odds or the one of a vicious nature, then, according to Kautilya, it would be more advantageous to march against the latter as he says, "the subjects of a virtuous enemy involved in worse troubles, will help him when attacked, whereas, of

1 तस्मात्प्रकृतीना क्षयलेभिविरागकारणानि नोत्पादयेत् p 277.
Kautilya gives a very realistic description of the manifold causes of national discontent which would be as true today as they were in the days of the author, vide, p 276

2 This point Kautilya illustrates by taking various examples, both Pauranic and historical vide pp 11-12

3. P. 35.

V

CONCLUSION

Civil liberty, the fundamental requisite of democracy—It's total absence in the political philosophy of Kautilya—The Kautilyan conception of monarchy and its complete identity with that of the Dharmasastras—Kautilya primarily a practical philosopher of the State—Court policy of the Maurya emperor with regard to conquered States—The Sanghas—Chandragupta, a worthy disciple of his master.

In the preceding chapter we critically analysed the contents of the *Arthas'āstra* and collected all the materials necessary to ascertain whether the State of Kautilya had at all any elements of modern democracy, namely, civil liberty and the right of the public to enforce their will on the State. These, it is needless to observe, constitute the very essence of democracy in the real sense of the term. Civil Liberty means the right of the public to call in question every despotic action on the part of the government, and the right to enforce the public will on the executive means popular control, whether direct or indirect, over the general administration of the State. These follow as the two corollaries from the theory of the subordination of the executive to the general will or

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the State in the abstract. So the most essential requisite of democracy is that the State should be both distinct from and above the government which should only serve as a medium to execute its orders. But from the critical examination of the Arthasāstra we find that no such difference ever existed between the executive and the State. It was the king himself who was regarded as being identical with the State and as such there was no higher human authority who could control him. This shows that there was no general will apart from the will of the sovereign. As to the various high functionaries of the State they were in no way bound by the will of the people. They were merely the servants of the king's own choice and consequently derived no power independently of him. The conception of the king being the ultimate authority in the State owed its origin to the instinct of proprietorship with regard to the kingdom over which he ruled. So with regard to the nature of the Kautilyan monarchy we arrive at the following conclusions —

- (i) That the king was not at all subservient to the will of the people
- (ii) That the state and the executive were one and the same
- (iii) That if the rule of the Kautilyan king was benevolent it was due to a sense of Dharma and the instinct of self preservation

CONCLUSION

and not to any constitutional limitations on his sovereignty.

According to Kautilya, therefore, the idea of the State is firstly, that kingship should be identical with the State, and secondly, that the king should enjoy absolute powers. But this idea of the State exactly coincides with the one of the Dharmaśāstras which we have noted in the course of our discussion over the nature of Hindu monarchy. From this it appears that though the work under discussion is primarily a manual of practical politics and as such never occupies itself with the problems of political philosophy, yet, Kautilya takes the political philosophy of the Dharmaśāstras and the Mahābhārata for granted and treats of the practical administration of the State to suit the growing needs of a newly born empire. In fact, the philosophy of Kautilya is not primarily a philosophy of the State but that of its practical administration. The following remarks of Dunning made in connection with the philosophy of Machiavelli may be said to describe the Kautilyan philosophy. 'His philosophy,' observes the learned professor 'is a study of the art of government, rather than a theory of the State. He is interested in the establishment and operation of the machinery of govt — in the forces through which governmental power is generated and applied.'¹

1. P 293 Political Theories. Vol I.

The fact the Kautilya was the prime minister of the Emperor Chandragupta and also the fact that the administrative machinery described in that book of the Arthas'āstra entitled 'Adhyakṣ'prachāra', resembles one whose glimpse we obtain, from the partial observations of Megasthenes¹, who was himself an eye witness to the court life of the first Indian Emperor, establishes that the Arthas'āstra of Kautilya treats of the administration and the state policy of his kingdom. Unlike the Roman Empire, the Mauryan Empire seems to have been mainly constituted of autonomous State. This appears most probable from the following advice which Kautilya gives to the conqueror with regard to his attitude towards the conquered king who is killed in action Says Kautilya:—

न च हतस्य भूमिद्रव्यपुत्रदारानभिमन्येत । कुल्यानप्यस्य स्वेपु
पात्रेषु स्थापयेत् । कर्मणि मृतस्य पुत्रं राज्ये स्थापयेत् । एवमस्य दण्डो-
पनेत पुत्रपौत्राननुवर्तन्ते । यस्तूपनतान्दृष्ट्वा बध्वा वा भूमिद्रव्यपुत्र-
दारानभिमन्येत, तस्योद्धिम् मण्डलमभावायोत्तिष्ठते² ।

"He should not covet the lands, wealth, sons and wives of the king slain (by him), on the contrary he should install in his own estate any scion of his family. He should invest with sovereignty the heir-apparent of

1 Vide pp. 30-42 of the introductory essay of Prof Radhakumud Mukherjee to N N. Law's Ancient Hindu Policy Vol I.

2. P. 313

the king who has died working (either for or against the conqueror), all conquered kings if thus treated loyally follow the sons and grandsons of the conqueror. Whoever on the other hand, covets the lands, wealth sons and wives of the king whom he has either slain or imprisoned, provokes the *Circles of states* and (thus) causes it to take up arms against him ”

This policy of conciliation recommended by Kautilya and hence surely adopted by his master disciple with reference to the subdued kings clearly indicates that Chandragupta was not so much after conquering the territories and thus bringing them, like the Roman Emperors under his direct control, as he was after establishing and consolidating his political suzerainty on all sides of Magadha—probably the area of his personal rule. He was probably satisfied with receiving regular annuities from the various conquered powers but seems not to have tampered with their internal administration.

[As for these states, it must be said that they were all monarchical states. As to the *Sanghas* whose acquisition on the part of the king Kautilya values so much¹ they must not have been ‘States’ in the real sense of the word. From the *Arthasāstra* they seem to have been only corporations or clan governments just of the type of the primitive social institutions of the Vedic

1 सधलामो दण्डमित्रलभानामुत्तमः । P 378

Āryans having no specific territory of their own.¹ The Samghas appear to have been nothing more than mercenary guilds of warriors (only comparable to the Pindaries of later days), making their living either on trade and agriculture or on the profession for which they were naturally fit.² The Samghamukhyas referred to in the Arthas'āstra could be none else than the leaders of such corporate bodies.]

Chandragupta could not help following this sort of 'non aggressive' policy with regard to the several states by which he was surrounded, in view of the slippery condition of the times in which he lived and also in view of the fact that he had to achieve the formidable task of establishing his sway on the minds of the people, when he as an usurper, had ousted the Nanda dynasty rich with traditions. Hence we may safely infer that the personal reign of Chandragupta might not have been so oppressive to his subjects of Magadha in general and of Pataliputra in particular in the midst of whom the emperor lived and moved and with whose interests, as a worthy follower of the Kautilian philosophy, he identified his own.

THE END

1 So far as the Arthas'āstra is concerned, the Samghas are not mentioned either as holding territories or wielding political authority.

2 काम्भोजपुराण . . . श्रेण्यादयो चार्ताशखोपजीवनः' p. 3/8

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